

CITY COUNCIL PROCEEDINGS

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MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, December 17, 2002
Tuesday, 9:05 A.M.

The City Council met in regular session with Mayor Knight in the Chair. Council Members Brewer, Fearey, Gale, Lambke, Martz, present. Council Member Pisciotte absent.

Chris Cherches, City Manager; Gary Rebenstorf, Director of Law; Pat Graves, City Clerk; present.

Sister Rita Robl, Great Plains Earth Institute, gave the invocation.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

Minutes -- approved The Minutes of the regular meeting of November 5, 2002, were approved 6 to 0. (Pisciotte absent)

AWARDS AND PRESENTATIONS

PROCLAMATIONS Proclamations previously approved were presented.

SERVICE CITATION Distinguished Service Citation was presented.

GOLDEN RULE The Golden Rule Award was presented to Linwood Sexton

Motion -- Knight moved that the rules be set aside and a Wichita's Promise Youth Council Report be given.
-- carried Motion carried 6 to 0. (Pisciotte absent)

YOUTH COUNCIL REPORT

Abbey McDonough, Ginny Ruschen, and David Hembree gave a report on Youth Council projects. Two projects that have been completed were Teen Pages, a Youth Council publication; and a Violence Committee survey.

UNFINISHED BUSINESS

BOUNDARY LINES REVISION OF CITY COUNCIL DISTRICT BOUNDARY LINES.

Jack Focht Jack Focht, Commission of Electors Chairman, said the resulting map meets all criteria.

Agenda Report No. 02-1906A

On June 18, 2002, the City Council authorized establishment of a Commission of Electors to study and recommend revisions to the Wichita City Council district boundaries. Charter Ordinance No. 173 provides for the revision of the City Council district boundary lines every tenth-year based on the decennial census data, and at other intervals if the district populations get out of balance. The City Council previously revised the district boundaries in 1992 when the 1990 Census data became available, and in 1998 because of additional annexations and increased population to the City of Wichita. The 2000 census, along with the subsequent annexation and growth, has again changed the

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population balance of the districts. The Commission of Electors, presented recommendations to the Council on October 8, 2002. Changes to the Commission of Electors recommendations were discussed at a December 10, 2002 City Council workshop.

District boundaries must be reestablished by December 31, 2002, for the next City Council elections to be held in February (primary) and April (general) of 2003. The current population of the City for Wichita has been established at 355,287 by evaluations of City Staff and the Election Commissioner for purposes of redistricting. The average size of each district should be approximately 59,215 persons. The size of each of the six Council Districts must be within 5% of the average size, from a low of 56,254 to a high of 62,176 persons.

At a December 10, 2002 City Council Workshop, Commission of Electors proposed boundaries underwent a final review by the City Council. Following discussion, district boundaries as reflected in "Map Plan C" are returned for consideration and adoption by the City Council.

<u>District</u>	<u>Current</u>	<u>Map Plan C</u>
District I	57,111	57,224
District II	64,770	59,702
District III	51,729	58,775
District IV	55,190	59,429
District V	70,075	61,659
District VI	56,412	58,498

The final proposal (to be designated "Map Plan C") meets the requirements set forth in Charter Ordinance 173 for population and boundaries lines.

Any expenses necessary to implement the change in boundaries will be paid from the General Fund Appropriated Reserves.

It is the opinion of the Law Department that the recommended "Map Plan C" complies with the legal requirements for re-establishing City Council district boundary lines.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --

Martz moved that the proposed City Council district boundaries be approved; that a Declaration of Emergency be declared; the necessary signatures be authorized; and the Ordinance be placed on its passage and adopted on the date of its introduction, all in accordance with K.S.A. 12-3001. Motion carried 6 to 0. (Pisciottte absent)

-- carried

ORDINANCE NO. 45-514

An Ordinance creating and establishing Districts for the Election of City Council Members to the Governing Body of the City of Wichita, Kansas, as provided for by Charter Ordinance No. 112 of the City of Wichita, Kansas, as amended by Charter ordinances No. 115 and 173 of the City of Wichita, Kansas, and repealing Ordinance No. 44-115 of the City of Wichita, Kansas, which previously created such districts. Knight moved that the Ordinance be placed on its passage and adopted on the date of its introduction, all in accordance with K.S.A. 12-3001. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Knight. (Pisciottte absent)

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NEW BUSINESS

INTERSECTION IMP. 13TH STREET AT HYDRAULIC INTERSECTION IMPROVEMENT. (District I)

Neil Cable City Engineer reviewed the Item.

Agenda Report No. 02-2141

The Capital Improvement Program includes a project to improve the intersection of 13th at Hydraulic. On December 2, 2002, District I Advisory Board considered the project. The Board voted 8-0 to recommend approval.

The improvement consists of reconstructing the intersection to provide eastbound and westbound left turn lanes on 13th at Hydraulic. The project is scheduled for letting this winter with completion next summer. The work was originally scheduled for 2001, but was postponed because of the 21st Street closure at I-135 by the Kansas Department of Transportation for interchange construction.

The project budget is \$650,000 with \$235,000 paid by the City and \$415,000 by Federal Grants administered by the Kansas Department of Transportation. The funding source for the City share is

Mayor Knight Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion -- Brewer moved that the project be approved; the Ordinance be placed on first reading; and the necessary
-- carried signatures be authorized. Motion carried 6 to 0. (Pisciotta absent)

ORDINANCE

An Ordinance declaring the intersection of 13th Street North and Hydraulic (472-83667) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, introduced and under the rules laid over.

TYPED LETTERS

REQUEST FOR LETTER OF INTENT FOR INDUSTRIAL REVENUE BONDS AND TAX EXEMPTION REQUEST – TYPED LETTERS CORPORATION. (District V)

Allen Bell Financial Projects Director reviewed the Item.

Agenda Report No. 02-2197

On September 9, 1997, the City Council approved issuance Industrial Refunding Revenue bonds in the amount of \$1,660,000 to Typed Letters Corporation. The bonds were issued to refinance existing debt on two previously separate issues. The two bond issues financed the acquisition of land, the construction and expansion of improvements and the purchase of machinery and equipment, located at 7601 West University. Typed Letters is requesting City Council approval of a Letter of Intent to issue its Industrial Refunding Revenue Bonds in an amount not-to-exceed \$1,650,000.

Typed Letters Corporation is a full-service, direct mail manufacturer that has developed a highly specialized niche with the direct mail marketing industry. According to its marketing materials, Typed Letters is one of the largest companies in the United States manufacturing typewritten mail packages for clients involved in marketing products and services or raising funds. Through the use of state of the art technology, Typed Letters manufactures direct mail marketing pieces from computer delivered data, including artwork, inserts and envelope sizes and forms. The size of each mailing varies from several hundred to hundreds of thousands of letters per direct mail campaign.

The company serves a broad base of upscale clients across the United States. The company is utilizing direct mail, telemarketing and individualized service to reach, attract and retain new business.

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However, the majority of its business comes from New York City, Boston, San Francisco and Seattle. Typed Letters exports 100% of its business outside of the State of Kansas.

The bonds will be used to construct a new addition to Typed Letter's facility and to refinance currently existing debt and pay costs of issuance.

Uses of Funds

Principal on Refunded Bonds	\$ 950,000
Construction Costs	601,000
Bond Reserve	10,000
Costs of Issuance	<u>89,000</u>
Total cost of Project	\$1,650,000

The firm Hinkle Elkouri L.L.C. will serve as bond counsel in the transaction. Chapman Securities, Inc. has agreed to underwrite the bonds and will reoffered the bonds to the public. Typed Letters has a current Equal Employment Opportunity/Affirmative Action Plan on file with the City's Purchasing Department.

Typed Letters agrees to pay all costs of issuing the bonds and agrees to pay the City's \$2,500 annual IRB administrative service fee for the term of the bonds.

Typed Letters is not requesting a tax exemption in connection with issuance of IRBs.

Bond documents needed for the issuance of the bonds will be prepared by bond counsel. The City's Law Department will review and approve all final bond documents prior to the issuance of the bonds.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --

Martz moved that the a six-month Letter of Intent to Typed Letters Corporation for Industrial Refunding Revenue Bonds in an amount not-to-exceed \$1,650,000, subject to the Standard Letter of Intent Conditions be approved; and the Ordinance be placed on first reading. Motion carried 6 to 0. (Pisciotta absent)

-- carried

ORDINANCE

An Ordinance exempting property from ad valorem taxation for economic development purposes pursuant to Article 11, section 13, of the Kansas constitution; providing the terms and conditions for ad valorem tax exemption; and describing the property of Typed Letters Corporation, so exempted, introduced and under the rules laid over.

PERFEKTA, INC.

PUBLIC HEARING AND TAX EXEMPTION REQUEST – PERFEKTA, INC. (District VI)

Allen Bell

Financial Projects Director reviewed the Item.

Agenda Report No. 02-2198

On December 19, 2000, City Council approved a five-plus-five year 100% Economic Development Tax Exemption to Perfekta, Inc. for an expansion project that resulted in acquisition of an existing building and additional new equipment. On December 18, 2001, City Council also approved a 100% five-year tax exemption on acquisition of new manufacturing equipment.

Since establishment, Perfekta has sustained consistent growth in manufacturing parts for the aerospace industry. Due to diversification of customer demand, Perfekta has expanded its manufacturing capacity, to include acquisition of new manufacturing equipment in the amount of \$681,639. Perfekta is requesting approval of an Economic Development Tax Exemption on acquisition of new manufacturing equipment in conjunction with the expansion project.

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Perfekta, Inc., located at 480 E. 21st Street in northeast Wichita, was locally formed in 1984. Perfekta, Inc. is a custom manufacturer, supplying precision machined and sheet metal parts to global customers of various industries, including companies in Europe, the Pacific Rim, and the Middle East. Sales have been primarily generated through demands in the aerospace industry; however, Perfekta also supplies parts to the medical and non-aerospace commercial markets. Perfekta is one of the largest minority owned businesses in the Wichita area. Perfekta's customer base has expanded from three local companies to more than 45 customers throughout the United States and worldwide. Perfekta's product mix has expanded from simple 2 & 3 axis machining to more complex multi axis configurations, bending and forming operations, and assemblies. Manufacturing capabilities include CNC milling, turning, prototyping, drilling, honing, welding, conventional milling, and assembling. Perfekta has been recognized as an outstanding sub-contractor in the areas of quality delivery, and value and has won numerous awards from aerospace companies. Perfekta's proposed project would include the expansion of its high-speed equipment, and processes to improve their manufacturing capabilities as a contract manufacturer.

Staff conducted a site monitoring visit on December 4, 2002, and as a result of the 2001 expansion Perfekta had increased employment by 7 employees and was in compliance with all the terms and conditions under which the City granted the exemption. Perfekta currently employs 96 employees and projects to add an additional 6 new jobs over the next five years by expanding operations through acquisition of new manufacturing equipment. Perfekta exports 96% of its business outside of the State of Kansas.

Under the City's Business Incentives Policy, Perfekta, Inc. is eligible for the following:

TAX EXEMPTION ELIGIBILITY

ELIGIBLE %	INCENTIVE	EXPLANATION
16.50%	New Job Creation:	Perfekta will create at least 6 new jobs.
<u>11.30%</u>	Capital Improvements:	Perfekta will invest at least \$681,639.
27.80%	Sub Total Business - Incentive Eligibility (Maximum allowed is 50%)	
48.0%	Export Premium:	Perfekta exports 96% products outside Kansas.
48.0%	Sub Total - Export Premium (Maximum allowed is 50%)	
<u>20.0%</u>	Location Premium:	Perfekta is located in the central redevelopment area. (additional 20% allowed)
95.80% TOTAL EXEMPTION ALLOWED UNDER BUSINESS INCENTIVE POLICY		

Perfekta, Inc. is eligible for a 95.80% tax exemption for a five-year term on the identified personal property. A notice of public hearing has been published. Perfekta has agreed to comply with the conditions set forth in the 1999 revised Business Incentive Policy.

The estimated first year taxes on the proposed \$681,639 expansion would be \$16,143 on personal property, based on the 2002 mill levy. Using the allowable tax exemption of 95.80 percent, the City would be exempting (for the first year) \$16,143 of new taxes from the personal property tax rolls. The tax exemption will be shared among the taxing entities as follows: City - \$4,455; County/State - \$4,435; and USD 259 - \$7,253.

Wichita State University Center for Economic Development and Business Research calculated a cost-benefit analysis indicating benefit-to-cost ratios, which are as follow:

City of Wichita	2.40 to one
Sedgwick County	2.09 to one
USD 259	2.72 to one
State of Kansas	4.02 to one

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --

Fearey moved that the public hearing be closed and the Ordinance granting a 95.80% tax exemption on the identified personal property improvements for a five-year term, be placed on first reading. Motion carried 6 to 0. (Pisciotta absent)

-- carried

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ORDINANCE

An Ordinance exempting property from ad valorem taxation for economic development purposes pursuant to Article 11, Section 13, of the Kansas Constitution; providing the terms and conditions for ad valorem tax exemption; and describing the property of Perfekta, Inc, so exempted, introduced and under the rules laid over.

WRECKER SERVICES CONTRACT FOR WRECKER SERVICES.

Jack Brown Environmental Health Director reviewed the Item.

Agenda Report No. 02-2142

One of the primary code violations of neighborhood concern under the recently implemented Joint Code Enforcement Initiative is the removal of inoperative and junk vehicles from private property. Due to increased enforcement activity and handling issues associated with wrecked and partially dismantled vehicles, it has become necessary to establish a more efficient and effective system to remove these vehicles that are illegally stored on private property contrary to existing environmental codes. In order to address this need, staff disseminated a Request for Proposals to local wrecker companies.

The request for proposals sought a contractor to provide a timely response for the towing , storage, and auctioning of the vehicles in accordance with City of Wichita policies, city ordinances and Kansas statutes pertaining to nuisance abatement and vehicle disposition. In response to the Request for Proposals, staff received only one valid proposal. This proposal was submitted jointly by eight towing companies. The Towing Companies propose to provide the specified services with fees ranging from \$50-80 per vehicle tow and to share 50% of any profits from sale of the unclaimed vehicles with the City of Wichita. In order to define the costs, profit sharing from vehicle sales and scope of services, a contract with the Towing Companies will need to be negotiated.

Funding for this activity is available in the nuisance abatement fund.

The City has the authority to enter into an agreement for wrecker services. The Law Department will draft and provide legal assistance in the negotiation of the contract for wrecker services.

Mayor Knight Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion -- Lambke moved that the proposal be accepted; and negotiation of the Contract and the necessary
-- carried signatures be authorized. Motion carried 6 to 0. (Pisciotta absent)

TOURISM PRESENTATION OF 2002 WICHITA CONVENTION AND TOURISM BUREAU REPORT (JOHN ROLFE, PRESIDENT).

John Rolfe John Rolfe, President, Wichita Convention and Visitors Bureau, presented the Convention and Visitors Bureau's Second quarter Performance Report.

Indicator	Goal	YTD Performance	% of Goal
Future Booking Performance			
Convention Sales:	122,500	41,325	33.73%
Group Tour Sales – O.N.	3,500	945	27.0%
Troup Tour Sales – Day	3,000	940	31.0%
Meeting Target Mix			
National/Regional		40.0%	35.0%
State		60.0%	65.0%

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Sales Leads

Convention sales leads	200	120
Group tour sales leads	25	22

Mayor Knight Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion -- carried Knight moved that the Report be received. Motion carried 6 to 0. (Pisciotte absent)

STEERING COUNCIL ECONOMIC DEVELOPMENT STRATEGIC STEERING COUNCIL APPOINTMENTS.

Agenda Report No. 02-2143

The City, County and the Chamber of Commerce recently sponsored a community-wide effort to develop a strategic plan for economic development in the Wichita region. The effort was organized and coordinated by Wichita State University's Center for Economic Development and Business Research. Working with a group of approximately 200 community and regional leaders, the strategic planning process began in June 2002 and was completed in October 2002, following the work of five teams that each focused on one of the following strategic areas:

- Development of a world-class workforce.
- Expansion of the community's commercial/industrial base.
- Coordination of the community's economic development agencies.
- Increasing the community's research and development (R&D) capacity.
- Improvement of the community's infrastructure.

A primary recommendation of the Strategic Economic Development Master Plan was the creation of an "Economic Development Strategic Council" to oversee/guide implementation of economic development activities in the Wichita area. Pursuant to the plan, the City Council is being asked to appoint three (3) representatives to the Economic Development Strategic Steering Council.

The Strategic Economic Development Master Plan recommends the Strategic Steering group have the following responsibilities and objectives:

- Create common definition for economic development for the Greater Wichita area.
- Meet monthly to refine and prioritize elements of proposed strategic plan.
- Appoint task forces to work on specific priorities.
- Create measures and timelines that will determine success of plan.
- Develop a plan for broad public/private funding for ongoing economic development.
- Report results to all investors to promote transparency.
- Create and direct a long-term, evolving economic development process.

The membership of the Strategic Steering Council is expected to evolve as a private-sector funding partnership – not relying solely on public support –to include regional partners. It is proposed that the Council have three members from the City and Sedgwick County governments, and one member each from the Chamber of Commerce, School District, Wichita State University, and the REAP organization.

During an initial start-up period, the private-sector representation will be comprised of one representative from each of the six strategic planning work teams, plus an interim council chairperson. Following a private-sector fundraising process, it is expected that the private sector members of the Council, including the chairperson, will be replaced by permanent private-sector membership chosen from the private investors. Professional economic development staff from the City, County and Chamber will provide support and participate in Council activities on an ex-officio basis.

There is no financial impact resulting from City participation on the Strategic Steering Council.

The City Council has the legal authority to appoint members to the Strategic Steering Council.

Mayor Knight Mayor Knight inquired if anyone wished to be heard and no one appeared.

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Motion -- Knight moved that the City Manager, Mayor, and Gary Hay (former Cessna CEO) be appointed to serve on the Economic Development Strategic Council. Motion carried 6 to 0. (Pisciotta absent)
-- carried

FARM & ART BLDG. FARM AND ART BUILDING USE.

Ray Trail Director of Finance reviewed the Item.

Agenda Report No. 02-2144

In August 2002, Staff presented to the City Council proposals for use of the Farm & Art building in Old Town. These proposals were a result of a Request for Proposals solicited by City Staff to determine interest and a more viable usage than currently exists with the small retail stores. The City received two responses from this solicitation: Perry and Associates for mixed-use retail/apartment development; and Museum of Ancient Treasures. A staff evaluation team reviewed each proposal, conducted interviews and recommended the Perry proposal.

Since this matter was last discussed by the City Council, another potential use became apparent with the approval of the EastBank redevelopment which would require the relocation of the CityArts operation. With the proposed plans, the CityArts building will be razed for construction of an office/parking facility.

Excluding allowing the current retail use of the Farm and Art Market building, there are three (3) viable uses for the Farm and Art Market building. These include:

1. Perry & Associates Proposal. A complete description of this proposal was previously provided to the City Council. After further consideration, while this mixed-use development may be an important development for Old Town, having living facilities (apartments) may foreclose opportunities for full use of the Plaza area because of noise and other disruptions not conducive to residential living.
2. Museum of Ancient Treasures Proposal. The City Council has previously received information about this proposal. The initial response did not offer the City an acceptable proposal in the minds of the Evaluation Committee because it appeared that key issues were not addressed. In further discussions with Greg Ferris, the Agent for Dr. Jon Kardatzke, a number of issues were clarified making the proposal a viable for further negotiations.
3. CityArts Relocation. The Farm and Art Market building would be an excellent location for this use because it would bring more people and activities into the Old Town area and would provide for an expanded use of the Plaza area, including such events as art shows, demonstrations, and other events programmed by CityArts. It would likewise present the City with an option of using a public-owned building without the expense of purchasing or remodeling a replacement building. With any use, there would be some expense of removing the existing retail usage and converting space for CityArts use and classrooms.

Based on the three proposals, the Ancient Treasures and the CityArts usage appear to be the most viable, considering the objective of bringing more people, attractions and public usage to the area. Regardless of the decision, it is recommended that the facility not be sold to a private interest, at least at this time. This building is a "centerpiece" in Old Town and, together with the Plaza, provides for a location where various public activities and events can occur. The importance of having a Plaza area for concerts and other public events in Old Town cannot be understated. Of concern to the Old Town businesses, of course, is the parking demands for whatever use is designated for the Farm and Art property.

On December 10th, the City Council discussed the various uses and agreed to place this item on this agenda for action to designate the appropriate usage. The majority of the Council indicated it felt that a preferred use would be the Museum of Ancient Treasures providing an acceptable lease could be negotiated with the owners of the Museum. Some of the issues to be negotiated would be the

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term/condition of the lease, the rental and satisfactory resolution of the issues contained in the City Manager's letter of September 26, 2002.

If the building is to be leased to the Museum of Ancient Treasurers, the future of CityArts needs to be determined. It has been suggested that the Omnisphere facility be evaluated to determine if it could be utilized for the functions of the arts operations without curtailing some of its current activities.

Leasing this facility to the Museum of Ancient Treasurers will eliminate the current subsidy (approximately \$90,000) of the Farm & Art building. Lease rates are set out in the report.

The City Council has the authority to lease public-owned buildings for preferred usage. The lease agreement negotiated will be reviewed and approved as to form.

Discussion was had regarding costs to move City Arts to any facility, and current Farm and Art Market tenant relocation.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard.

Dr. Jon Kardatzke

Dr. Jon Kardatzke said the Ancient Treasurers museum began 50 years ago and is now extended to thirty different collections from thirty states. The Museum has twelve dinosaurs, and every signature of every president. The first floor will house dinosaurs and ancient history, and Egyptian, Roman, Greek, African, and other treasures. The second floor will house the History of Wars and will include artifacts, life-size displays, and the Royal Collection. The third floor will be educational and include hands-on items.

David Kopechek

David Kopechek, operator of a small gallery in Old Town, suggested moving CityArts to the Farm and Art Market to create synergy.

Kent Williams

Kent Williams, founding member of the Fish House, a studio and workshop, said CityArts deserves consideration. If CityArts must be moved, it should be given the advantage.

Greg Ferris

Greg Ferris said the reason he is involved with the Ancient Treasurers Museum is because he visited the Museum with his family. The present Museum is a most wonderful thing; however, it is in the wrong setting. The Ancient Treasurers Museum can help draw visitors to the Farm and Art Market. In August, the Ancient Treasurers Museum had 4,000 visitors – and that is in the basement of the old Holiday Inn. The Ancient Treasurers Museum will pay special assessment taxes, parking fees, and do its own remodeling.

Eric Schmidt

Eric Schmidt, Fish House Studios, said the East Bank designers could incorporate CityArts; if not, CityArts deserves consideration.

Ed Wolverton

Downtown Development Corporation, said the Corporation has been working with existing businesses in the Farm and Art Market building. A relocation benefit package has been developed.

Motion --

Knight moved that the Ancient Treasurers be designated as the appropriate use for the Farm & Art building and Staff be authorized to negotiate the term and conditions within the parameters noted in the November 16, 2002, Council memorandum, including the conditions contained in the City Manager's Letter of September 26, 2002; an evaluation of the Omnisphere building to determine costs needed to accommodate the CityArts and comply with all Codes, including the ADA requirements and the historic preservation requirements be authorized; and the necessary signatures be authorized. Motion carried 4 to 2. Brewer, Fearey – No. (Pisciotta absent)

-- carried

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APPOINTMENTS

GRANTS REVIEW COMMITTEE APPOINTMENTS.

Agenda Report 02-2145.

On March 28, 2000, the City Council approved the change in composition of the Grants Review Committee due to the abolishment of the Human Services Advisory Board and the Citizen Participation Organization. The newly established Grants Review Committee is now comprised of twelve (12) members from the following areas: 4-District Advisory Board; 1-United Way; 1-Sedgwick County; 1-USD #259; 2-Wichita Independent Neighborhood Association; 1-Wichita State University; 1-large business and 1-small business.

The Grants Review Committee reviews the funding applications, holds one public hearing/applicant presentation and makes funding recommendations to the City Council.

The City Council is requested to select one large business representative and approve the new and carryover appointments to the Grants Review Committee. A list of the proposed Grants Review Committee members and two large business nominees are attached. In the event one of the nominees is unable to serve, it is requested the City Council authorize the City Manager to appoint a replacement.

The City has completed the required actions and the Council may make the appointments to the Grants Review Committee.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --

Knight moved that James Barber, VIA Christi, be appointed as the large business representative; and that the following new and carryover appointments be made to the Grants Review Committee:

Small Business (1)

Cathy Feemster

Carryover

East Wichita News

District Advisory Boards (4)

I James Thompson New

Elm Neighborhood Association

III Bill Ward New

Meadowlark Association of Neighbors

IV Jim Benton New

SW Village Neighborhood Association

VI Jaya Escobar New

Hispanic/Native American Coalition

USD #259 (1)

Terry Behrendt

Carryover

Motion carried 6 to 0. (Pisciotte absent)

Wichita State University (1)

Dr. Eric Sexton

Carryover

Sedgwick County (1)

Sherdeill Breathett New

Neighborhood Economic Developer

United Way (1)

Patrick J. Hanrahan Carryover

Wichita Independent Neighborhoods (2)

Kevin Kimmel Carryover

Partners for Responsible Neighborhoods

David Pendegraf New

President WIN

-- carried

CITY COUNCIL AGENDA

SOCIAL SERVICES

CONSIDERATION TO ALLOCATE FUNDS FOR EMERGENCY SOCIAL SERVICES. (REQUESTED BY MAYOR KNIGHT)

Mayor Knight

Mayor Knight said aircraft workers have been severely impacted as a result of the 9-11 terrorist attacks. Wichita has the highest concentration of aircraft workers in the nation. For 2003 and 2004, Wichita is projected to be the hardest hit metro area in the United States. A high priority to the City is the strength of its economy. The City's real strength is taking care of companies in Wichita. One million dollars is needed to at least assist laid-off people in this area.

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- Council Member Brewer Council Member Brewer said he had a hard time understanding why it is so difficult to make a decision whether or not to assist thousands of individuals in this City. These are families needing assistance. The bottom line is that the responsibility falls on the City. The City should find the money to help those who are in need in the City of Wichita.
- Mayor Knight Mayor Knight inquired whether anyone wished to be heard.
- Virginia White President and CEO of Kansas FoodBank Warehouse, said this problem is about an unexpected crisis event that happened to the City of Wichita as a result of a downturn event. This assistance would assist the people who have paid taxes and been productive citizens of this community – who, through no fault of their own, have lost jobs and need assistance.
- Greg Dye Greg Dye said he was in the hospital with by-pass heart surgery when he was laid off. His unemployment will run out in about six-months. The \$1 million is not enough.
- Pat Hanrahan President of United Way of the Plains said the laid off worker center provides all services to make the situation as easy as possible. As a fund raiser, Mr. Hanrahan said the City of Wichita community is reaching its limit in terms of fun raising.
- Teresa Brown Foster Teresa Brown Foster said the Northeast Miller Neighborhood Association agrees with the proposal. Also, when unemployment increases, crime increases. There are 120 former criminals being released each month to Wichita. This will add to the unemployment.
- Gertrude Jameson Gertrude Jameson spoke in agreement with the proposal.
- Sen. Rip Gooch Sen. Rip Gooch said he hoped the City Council would look at this effort as beneficial. “The bucket never got filled without the first drop.”
- Gordon Schultz Gordon Schultz said it is a good feeling to reach out to help others who are unable to help themselves. This is a defining moment and a crossroads for the City of Wichita. The City is being watched.
- Motion -- Knight moved that Staff be directed to develop memorandums of understanding based on \$500,000 to United Way of the Plains, \$350,000 to Kansas Foodbank Warehouse, \$100,000 to the Lord’s Diner, and \$50,000 to the city’s overflow homeless shelters. Motion failed 4-2. (Pisciotte absent) Gale, Fearey, Lambke, Martz – No.
- failed
- Mayor Knight Mayor Knight inquired whether the City Council would agree to reconsidering the Item at the first meeting in January.
- Motion -- carried Lambke moved that the Item be reconsidered on January 7, 2002. Motion carried 6 to 0.

CONSENT AGENDA

Knight moved that the Consent Agenda, except addendum Item 20A, including 26A, 26B, 28 a and 28 b, be approved in accordance with the recommended action shown thereon. Motion carried 6 to 0. (Pisciotte absent)

BOARD OF BIDS

REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED DECEMBER 16, 2002.

Bids were opened December 13, 2002, pursuant to advertisements published on:

2003 wheelchair ramp and sidewalk - Phase 2 - north of MacArthur, east of Oliver. (472-83660 /706847/203313) Traffic to be maintained during construction using flagpersons and barricades. (Districts I&III)

Barkley Construction - \$180,000.00 (Engineer’s estimate)

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2002 Contract maintenance preparatory curb & gutter repairs - north of 47th Street South, east of 135th Street West. (472-83490/132712/) Traffic to be maintained during construction using flagpersons and barricades. (Districts I,II,III,IV,V&VI)

Kansas Paving Company - \$245,000.00 (Engineer's estimate)

Main 6, Northwest Interceptor Sewer - north of 21st North, east and west of Maize Road. (468-83423/743925/480613) Traffic to be maintained during construction using flagpersons and barricades. (District V)

Mies Construction - \$433,580.00

Rutgers Court serving Lots 1 thru 10, Block 5; Rutgers Court serving Lots 11 thru 20, Block 5; Greenspoint from the west line of Rutgers/Greenspoint to the west line of Lot 1, Block 6; Parkdale from the south line of Lot 11, Block 6 to Greenspoint/Parkdale; and Sidewalk along the west, south and east side of Rutgers/Greenspoint/Parkdale to serve Evergreen Addition - north of 21st Street North, west of Maize Road. (472-83256/765756/490867) Does not affect existing traffic. (District V)

Ritchie Paving - \$379,956.20 (Base bid)
\$421,088.50 (Base bid/alternate II)

Lift station & force main for Main 21, Southwest Interceptor Sewer to serve Gray's 5th Addition - north of 47th Street South, east of Hoover. (468-83428/743949/480637) Does not affect existing traffic. (District V)

Nowak Construction - \$522,198.00

Installation of water main in Maize Road from 29th Street North to 37th Street North (District V) - along Maize Road from 29th Street North to 37th Street North. (448-89752/633754/752869) Traffic to be maintained during construction using flagpersons and barricades. (District V)

Mies Construction - \$251,403.40

Knight moved that the contract(s) be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 6 to 0. (Pisciotte absent)

WATER & SEWER DEPARTMENT/PRODUCTION & PUMPING DIVISION: Hess Motor Replacements. (632273)

WEG Electric Motors Corp. - \$386,850.00 (Item 1/total net bid)
N/A (Item 2)
Included (Item 3/total net bid)
\$386,850.00 (Group 1/total net bid)

WATER & SEWER DEPARTMENT/SEWAGE TREATMENT DIVISION: Air Compressor Replacement. (184069)

Kaeser Compressors - \$17,250.00 (Group 1/total net base bid)
<Deduct\$2,500.00> (Group 1/option 1/total net bid)

PUBLIC WORKS DEPARTMENT/FLEET DIVISION: ¾ Ton Pickup Truck & Patrol Utility Vehicles. (130807)

Don Hattan Chevrolet, Inc. - \$45,780.00 (Group 2/total net base bid)
N/A (Group 2/option 1/total net bid)
\$ 2,370.00 (Group 2/option 2/total net bid)

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Included #4 (Group 2/option 3/total net bid)
\$ 158.00 (Group 2/option 4/total net bid)
Standard (Group 5/option 5/total net bid)
\$ 1,466.00 (Group 6/option 6/total net bid)
\$55,200.00 (Group 3/total net base bid)
\$35,000.00 (Group 3/option 1/total net bid)
\$33,000.00 (Group 3/option 2/total net bid)

PUBLIC WORKS DEPARTMENT/BUILDING SERVICES DIVISION: Heavy Duty Lounge Chairs.
(792309)

Kansas Contract Design - \$19,958.72 (Total net bid)

HOUSING SERVICES DEPARTMENT/PUBLIC HOUSING DIVISION: Chain Link Fencing and
Concrete Mow Strip.

Caro Construction Co. Inc. - \$32,925.00 (Group 1/total net bid)
\$34,204.00 (Group 2/total net bid)

PUBLIC WORKS DEPARTMENT/BUILDING SERVICES DIVISION: Roof replacement Various
Home Sites. (097824)

S&A Construction - \$34,671.00 (Group 1/total net bid)

PARK DEPARTMENT/PARK MAINTENANCE DIVISION: Testing and Overhauling Backflow
Prevention Devices; and Overhauling/Replacement of Backflow Prevention Devices. (172015)

Lawn Sprinkler Services LLC - \$22,836.64 (Total net bid)

HOUSING SERVICES DEPARTMENT/PUBLIC HOUSING DIVISION: Façade Modifications at
Various Home Sites. (097824)

S&A Construction - \$71,655.00 (Group 1/total net bid)

HOUSING SERVICES DEPARTMENT/PUBLIC HOUSING DIVISION: Storage Sheds
Construction. (097824)

Caro Construction Co. Inc. - \$21,615.00 (Group 1/total net bid)
\$19,650.00 (Group 2/total net bid)

PUBLIC WORKS DEPARTMENT/STORM WATER MANAGEMENT DIVISION: Drainage
Improvements Byron at Westfield Court. (660484)

Ferguson Paving Inc. - \$5,955.00 (Group 1/total net bid)

PUBLIC WORKS DEPARTMENT/BUILDING SERVICES DIVISION: Boiler Replacement.
(130823)

Roop Plumbing Inc. - \$20,700.90 (Group 1/total net base bid)
\$ 7,433.76 (Group 1/Option #1/total net bid)
\$ 6,484.96 (Group 1/Option #2/total net bid)
\$ 6,311.76 (Group 1/Option #3/total net bid)

ACM Removal Inc. - \$3,200.00 (Group 2/total net bid)

PUBLIC WORKS DEPARTMENT/STORM WATER MANAGEMENT DIVISION: Drainage
Improvements at 2747 North Bellwood. (660483)

W.B. Carter Construction - \$4,448.00 (Group 1/total net base bid)

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\$6,762.00 (Group 1/option #1/total net bid)
\$3,100.00 (Group 1/option #3/total net bid)

VARIOUS DEPARTMENTS/VARIUS DIVISIONS: Motorola Portable Radios. (602123)

Mobile Electronics Inc. - \$44,082.00 (Group 1/total net bid)

FIRE DEPARTMENT: Self-Contained Breathing Apparatus Parts. (792359)

Roberson Fire & Safety Inc. - \$8,055.00 (Group 1/total net bid)

FIRE DEPARTMENT: Fire Hose and Fittings. (070136)

Casco Industries, Inc. - \$32,611.80 (Group 1/total net bid)

Municipal Emergency Services dba MES-KAN - \$14,831.91(Group 2/total net bid)

Casco Industries, Inc. - \$1,170.00 (Group 3/total net bid)

FIRE DEPARTMENT: Slip-in Pumps & Tank Units. (070136)

Hays Fire Equipment Sales & Service Inc. - \$18,990.00 (Group 1/total net bid)

PUBLIC WORKS DEPARTMENT/BUILDING SERVICES DIVISION: Carpeting State Office Building. (205203)

National Flooring - \$13,755.00 (Group 1/total net bid)

PARK DEPARTMENT/RECREATION DIVISION: Recreation Center Equipment (785023)

Flaghouse - \$486.67 (Group 1/total net bid)
S&S Worldwide - \$216.40 (Group 2/total net bid)
BSN Sports - \$1,337.61 (Group 3/total net bid)
\$ 469.92 (Group 4/total net bid)
Gopher Sports - \$714.88 (Group 5/total net bid)
Flaghouse - \$396.67 (Group 6/total net bid)
(Group 7/bids rejected)
BSN Sports - \$178.38 (Group 8/total net bid)
\$ 42.08 (Group 9/total net bid)
\$118.48 (Group 10/total net bid)
S&S Worldwide - \$1,688.80 (Group 11/total net bid)
Flaghouse - \$101.74 (Group 12/total net bid)
Gopher Sports - \$48.74 (Group 13/total net bid)
S&S Worldwide - \$1,699.00 (Group 14/total net bid)
\$ 41.99 (Group 15/total net bid)
\$ 26.10 (Group 16/total net bid)
Sportmaster - \$282.30 (Group 17/total net bid)
S&S Worldwide - \$144.80 (Group 18/total net bid)
Gopher Sports - \$28.94 (Group 19/total net bid)
BSN Sports - \$ 60.22 (Group 20/total net bid)
\$577.38 (Group 21/total net bid)
\$178.93 (Group 22/total net bid)

PUBLIC WORKS DEPARTMENT/FLEET MAINTENANCE DIVISION: Trailer-Mounted Pressure Applicator. (130807)

Paving Maintenance Supply Inc. - \$35,871.00 (Group 1/total net bid)

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PUBLIC WORKS DEPARTMENT/FLEET MAINTENANCE DIVISION: Tricycle Type Street Sweepers. (130807)

Key Equipment & Supply Company - \$226,970.00 (Group 1/total net base bid)
<Deduct\$40,450.00> (Group 1/option #1/total net bid)
Standard (Group 1/option #4/per sweeper)
\$ 2,380.00 (Group 1/option #5/per sweeper)
\$42,500.00 (Group 1/option #6/per sweeper)

PUBLIC WORKS DEPARTMENT/FLEET MAINTENANCE DIVISION: Rubber Tired Tractor 50 Horsepower. (130807)

Wichita Tractor Co. - \$104,230.00* (Group 1/total net base bid)
\$ 657.00* (Group 1/option #1/per tractor)
\$ 336.00* (Group 1/option #3/per tractor)
<Deduct \$36,000.00>* (Group 1/option #4/lump sum)
*Redirect award

Knight moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 6 to 0. (Pisciotta absent)

LICENSES

APPLICATION FOR LICENSE FOR ADULT ENTERTAINMENT ESTABLISHMENTS/SERVICES:

New Escort Service

Vicki Maness Babes 304 South Laura

Motion -- Knight moved that the license be approved subject to Staff review and approval. Motion carried
-- carried 6 to 0. (Pisciotta absent)

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2002</u>	<u>(Consumption on Premises)</u>
Danny Vo	Lotus Garden Restaurant*	2135 West 21st Street North
Guadalupe S. Cordova	Chico's Restaurant*	3949 West Douglas
Eldon L. Self	L.W. Clapp Golf Course*	4611 East Harry
Mon Fee Wong	Golden Dragon Restaurant*	6100 East 21st No. 180
Doug E. Beckham	Lenora's	1528 South Washington

<u>Renewal</u>	<u>2002</u>	<u>(Consumption off Premises)</u>
LeThanh T. Le	Broadway Supermarket	1336 North Broadway
John G. Harmon	Casey's General Store #1860	5562 South Seneca

*General/Restaurant - 50% or more of gross receipts derived from sale of food.

Motion -- Knight moved that the licenses be approved subject to Staff review and approval. Motion carried
-- carried 6 to 0. (Pisciotta absent)

PLANS AND SPECS.

SUBDIVISION PLANS AND SPECIFICATIONS.

There were no Sub-Division Plans and Specifications submitted.

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PRELIMINARY ESTS. PRELIMINARY ESTIMATES:

- a) Grading, surfacing, concrete pavement, bridges, signing, lighting, signalization, pavement markings, landscaping and irrigation, for Kellogg Avenue (US-54) / Woodlawn Interchange. (472-83629/702318 /401272) Traffic to be maintained during construction using flagpersons and barricades. (District II) - \$57,516,281.93
- b) Main 21, Southwest Interceptor Sewer to serve Gray's 5th Addition - north of 47th Street South, east of Hoover. (468-83429/743950/480638) Traffic to be maintained through construction. (District V) - \$132,000.00
- c) Lateral 1, Main 21, Southwest Interceptor Sewer to serve Gray's 5th Addition - north of 47th Street South, east of Hoover. (468-83430/743951/480639) Does not affect existing traffic. (District V) - \$190,000.00
- d) Water Distribution System to serve Gray's 5th Addition - north of 47th Street South, east of Hoover. (448-89682/735084/470754) Does not affect existing traffic. (District V) - \$57,000.00
- e) Water distribution system (Phase I) to serve Gray's 5th Addition - north of 47th Street South, east of Hoover. (448-89680/735085/470755) Does not affect existing traffic. (District V) - \$78,000.00
- f) 2003 utility cut repair of streets, driveways and sidewalks - north of 55th Street South, east of 135th Street West. (472-83665/132035/) Traffic to be maintained during construction using flagpersons and barricades. (Districts I,II,III,IV,V&VI) - \$1,700,000.00
- g) 21st and Arkansas, Phase 2 - landscaping - 21st & Arkansas. (472-83184/706799/200249) Does not affect existing traffic. (District VI) - \$6,925.00
- h) 2002 sanitary sewer reconstruction Phase 10 (Various Locations) - south of 13th Street North, between Hydraulic and Meridian. (468-83547/620360/662483) Traffic to be maintained during construction using flagpersons and barricades. (Districts IV,VI) - \$224,000.00
- i) 2002 sanitary sewer rehabilitation Phase H (Various Locations) - north of Kellogg from west of Greenwich to east of Maize Road. (468-83552/620362/662484) Traffic to be maintained during construction using flagpersons and barricades. (Districts I, II, V) - \$179,000.00
- j) 2003 wheelchair ramp and sidewalk phase 1 - north of MacArthur, east of Oliver. (472-83660/706847/203313) Traffic to be maintained during construction using flagpersons and barricades. (Districts I,II&III) - \$200,000.00
- k) Toben/31st Street North from the west line of Lot 5, Block 4 to the east line of said Lot 5 to serve Mediterranean Plaza - south of 37th Street North, west of Webb. (472-83531/765740/490851) Does not affect existing traffic. (District II) - \$289,000.00

Motion --
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Knight moved that the Preliminary Estimates be received and filed. Motion carried 6 to 0. (Pisciotta carried absent)

STATEMENTS OF COST

STATEMENTS OF COST:

- a) Improving Decel Left Turn Lanes in Woodlawn and 37th Street North to serve Whispering Brook Commercial 2nd Addition (west of Woodlawn, south of 37th Street North). Total Cost - \$376,334.69 (plus idle fund interest - \$6,445.39, plus temporary note interest - \$4,786.92). Financing to be issued at this time - \$387,567.00. (765690/472-83329/490-801).
- b) Improving Water Distribution System to serve Reece Farms Estates, Phase II (south of Maple, west of 151st Street West). Total Cost - \$51,141.61 (plus idle fund interest - \$660.15, plus temporary note interest - \$507.24). Financing to be issued at this time - \$52,309.00. (735041/448-89239/470-711).

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- c) Improving Water Distribution System to serve Highland Spring 2nd Addition (south of Central, west of 135th Street West). Total Cost - \$74,612.79 (plus idle fund interest - \$902.03, plus temporary note interest - \$1,020.18). Financing to be issued at this time - \$76,535.00. (735039/448-89427/470-709).
- d) Improving Water Distribution System to serve Ridge Port North 3rd Addition (south of 37th Street North, Total Cost - \$25,110.12 (plus idle fund interest - \$297.88, plus temporary note interest - \$180.00). Financing to be issued at this time - \$25,588.00. (735062/448-89505/470-732).
- e) Improving Water Distribution System to serve Church of the Magdalen Addition (north of 21st Street North, west of 127th Street East). Total Cost - \$32,406.01 (plus idle fund interest - \$631.99, plus temporary note interest - \$240.00). Financing to be issued at this time - \$33,278.00. (735048/448-89536/470-718).
- f) Improving Water Distribution System to serve Southwest Industrial Addition (north of Pawnee, west of Meridian). Total Cost - \$33,665.46 (plus idle fund interest - \$548.88, plus temporary note interest - \$465.66). Financing to be issued at this time - \$34,680.00. (735018/448-89585/470-688).
- g) Improving Water Distribution System to serve Equestrian Estates Addition (south of Harry, east of 127th Street East). Total Cost - \$119,390.89 (plus idle fund interest - \$1,276.35, plus temporary note interest - \$1,637.76). Financing to be issued at this time - \$122,305.00. (735032/448-89613/470-702).
- h) Improving Water Distribution System to serve Rocky Creek & Rocky Creek 2nd Addition (north of 13th Street North, east of 127th Street East). Total Cost - \$49,678.28 (plus idle fund interest - \$669.72, plus temporary note interest - \$375.00). Financing to be issued at this time - \$50,723.00. (735060/448-89620/470-730).
- i) Improving Water Distribution System to serve Maple Shade Addition (east of Webb, north of Pawnee). Total Cost - \$23,130.21 (plus idle fund interest - \$317.29, plus temporary note interest - \$172.50). Financing to be issued at this time - \$23,620.00. (735043/448-89638/470-713).
- j) Improving Water Distribution System to serve Pine Meadow & Pine Meadow 2nd Addition (east of Greenwich, south of 13th Street North). Total Cost - \$32,546.08 (plus idle fund interest - \$480.24, plus temporary note interest - \$331.68). Financing to be issued at this time - \$33,358.00. (735037/448-89641/470-707).
- k) Improving Water Distribution System to serve Pine Meadow 2nd Addition (east of Greenwich, south of 13th Street North). Total Cost - \$52,033.62 (plus idle fund interest - \$829.26, plus temporary note interest - \$441.12). Financing to be issued at this time - \$53,304.00. (735038/448-89642/470-708).
- l) Improving Water Distribution System to serve Balthrop 4th Addition (north of Central, east of Greenwich). Total Cost - \$66,968.61 (plus idle fund interest - \$1,119.89, plus temporary note interest - \$487.50). Financing to be issued at this time - \$68,576.00. (735047/448-89654/470-717).
- m) Improving Water Distribution System to serve Deer Lake Estates 2nd Addition (south of 47th Street, west of Oliver). Total Cost - \$19,099.26 (plus idle fund interest - \$249.24, plus temporary note interest - \$142.50). Financing to be issued at this time - \$19,491.00. (735055/448-89656/470-725).
- n) Improving Water Distribution System to serve Fairmont Addition (north of 21st Street North, west of 127th Street East). Total Cost - \$84,598.00 (plus idle fund interest - \$1,057.76, plus temporary note interest - \$747.24). Financing to be issued at this time - \$86,403.00. (735045/448-89659/470-715).

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- o) Improving Water Distribution System to serve the Fairmont Addition (north of 21st Street North, west of 127th Street East). Total Cost - \$69,133.00 (plus idle fund interest - \$1,084.00, plus temporary note interest - \$627.24). Financing to be issued at this time - \$70,845.00. (735046/448-89662/470-716).
- p) Improving Water Distribution System to serve Smithmoor 10th Addition (north of Pawnee, west of Greenwich). Total Cost - \$43,434.92 (plus idle fund interest - \$727.08, plus temporary note interest - \$315.00). Financing to be issued at this time - \$44,477.00. (735050/448-89666/470-720).
- q) Improving Water Distribution System to serve Auburn Hills 12th Addition (south of Maple, west of 135th Street). Cost - \$53,118.94 (plus idle fund interest - \$727.76, plus temporary note interest - \$555.30). Financing to be issued at this time - \$54,402.00. (735040/448-89516/470-710).
- r) Improving Water Distribution System to serve Eagle's Landing at North Oliver 2nd Addition (south of 45th Street North, west of Oliver). Total Cost - \$55,184.40 (plus idle fund interest - \$716.60, plus temporary note interest - \$375.00). Financing to be issued at this time - \$56,276.00. (735052/448-89603/470-722).
- s) Improving Water Supply Line along 45th St North to serve Eagle's Landing at North Oliver 2nd Addition (south of 45th Street North, west of Oliver). Total Cost - \$315,714.28 (plus idle fund interest - \$2,154.72, plus temporary note interest - \$2,325.00). Financing to be issued at this time - \$320,194.00. (735051/448-89672/470-721).
- t) Improving Water Supply Line along Oliver to serve Eagle's Landing at North Oliver 2nd Addition and an unplatted tract (south of 45th Street North, west of Oliver). Total Cost - \$74,912.82 (plus idle fund interest - \$983.68, plus temporary note interest - \$487.50). Financing to be issued at this time - \$76,384.00. (735061/448-89653/470-731).
- u) Improving Water Distribution to serve Cedar View Addition (south of Kellogg, east of Greenwich). Total Cost - \$50,963.56 (plus idle fund interest - \$601.70, plus temporary note interest - \$685.74). Financing to be issued at this time - \$52,251.00. (735035/448-89527/470-705).
- v) Improving Water Distribution System to serve Great Plains Business Park 3rd Addition (south of 37th Street North, east of Webb Road). Total Cost - \$58,099.12 (plus idle fund interest - \$692.38, plus temporary note interest - \$427.50). Financing to be issued at this time - \$59,219.00. (735066/448-89692/470-736).
- w) Improving Water Distribution System to serve an Unplatted Tract described as the west 1800' of the SW 1/4 of Section 6, T27S, R1W of the 6th P.M., except for the part west of the east line of Aberdeen First Addition (north of 21st Street North, east of 119th Street West). Total Cost - \$21,317.92 (plus idle fund interest - \$222.10, plus temporary note interest - \$283.98). Financing to be issued at this time - \$21,824.00. (734970/448-88826/470-640).
- x) Improving Water Distribution System to serve Aberdeen First Addition (north of 21st Street North, east of 119th Street West). Total Cost - \$38,097.63 (plus idle fund interest - \$377.51, plus temporary note interest - \$493.86). Financing to be issued at this time - \$38,969.00. (734969/448-88825/470-639).
- y) Improving Water Distribution System to serve Duling and Aberdeen Commercial Additions (north of 21st Street North, east and west of 119th Street West). Total Cost - \$17,705.13 (plus idle fund interest - \$183.19, plus temporary note interest - \$226.68). Financing to be issued at this time - \$18,115.00. (734968/448-88944/470-638).
- z) Improving Water Distribution System to serve West Ridge Estates (south of 29th Street North, east of 119th Street West). Total Cost - \$53,956.66 (plus idle fund interest - \$472.24, plus temporary note interest - \$776.10). Financing to be issued at this time - \$55,205.00. (734963/448-89470/470-633).

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- aa) Improving Water Distribution System to serve Rocky Creek Addition (north of 13th Street North, east of 127th Street East). Total Cost - \$23,131.18 (plus idle fund interest - \$346.32, plus temporary note interest - \$172.50). Financing to be issued at this time - \$23,650.00. (735049/448-89099/470-719).
- bb) Improving Water Distribution System to serve Chapel Hill Addition (north of 13th Street North, east of Greenwich). Total Cost - \$88,110.11 (plus idle fund interest - \$1,568.89, plus temporary note interest - \$645.00). Financing to be issued at this time - \$90,324.00. (734932/448-89370/470-602).
- cc) Improving Water Distribution System to serve Wilson Farms 3rd Addition (south of 21st Street North, west of Webb). Total Cost - \$50,263.75 (plus idle fund interest - \$709.21, plus temporary note interest - \$527.04). Financing to be issued at this time - \$51,500.00. (735044/448-89657/470-714).
- dd) Improving Water Distribution System to serve Ridge Port North 3rd and 4th Additions (south of 37th Street North, east of Ridge Road). Total Cost - \$124,872.82 (plus idle fund interest - \$2,553.38, plus temporary note interest - \$1,931.80). Financing to be issued at this time - \$129,358.00. (734991/448-89503/470-661).
- ee) Improving Water Supply Line along 127th Street East to serve Equestrian Estates Addition and part of McEvoy Addition (south of Harry, west and east of 127th Street East). Total Cost - \$145,877.81 (plus idle fund interest - \$2,230.76, plus temporary note interest - \$1,131.12). Financing to be issued at this time - \$149,239.00. (735036/448-89644/470-706).
- ff) Improving Water Distribution System to serve Auburn Hills 13th Addition (west of 135th Street West, south of Maple). Total Cost - \$101,923.20 (plus idle fund interest - \$1,752.67, plus temporary note interest - \$1,550.13). Financing to be issued at this time - \$105,226.00. (735024/448-89610/470-694).
- gg) Improving Water Distribution System to serve Forest Lakes Addition (north of 29th Street North, west of Ridge Road). Total Cost - \$37,133.20 (plus idle fund interest - \$438.80, plus temporary note interest - \$270.00). Financing to be issued at this time - \$37,842.00. (735056/448-88703/470-726).
- hh) Improving Water Distribution System to serve Forest Lakes West Addition (north of 29th Street North, east of Tyler). Total Cost - \$21,337.59 (plus idle fund interest - \$229.91, plus temporary note interest - \$157.50). Financing to be issued at this time - \$21,725.00. (735057/448-89206/470-727).
- ii) Improving Water Distribution System along Burton Street, between St. Paul and Gordon to serve part of Smithson's Sub. (north of Maple, west of Meridian). Total Cost - \$3,232.53 (plus idle fund interest - \$116.47, plus temporary note interest - \$0.00). Financing to be issued at this time - \$3,349.00. (734993/448-89513/470-663).
- jj) Improving Water Distribution to serve part of Lot 4, Block 4, Avery Addition (north of Central, west of Hoover). Total Cost - \$1,897.55 (plus idle fund interest - \$60.45 plus temporary note interest - \$0.00). Financing to be issued at this time - \$1,958.00. (735064/448-89690/470-734).
- kk) Improving Water Distribution System to serve part of Lots 19 and 20, Block 12 in Fruitvale Park Addition (south of Central, east of Hoover). Total Cost - \$3,210.00 (plus idle fund interest - \$105.00 plus temporary note interest - \$0.00). Financing to be issued at this time - \$3,315.00. (735065/448-89689/470-735).
- ll) Improving Water Distribution System to serve the west half of Lot 61, Valley Acres Addition (south of 10th Street, west of Custer). Total Cost - \$6,277.34 (plus idle fund interest - \$340.66 plus temporary note interest - \$0.00). Financing to be issued at this time - \$6,618.00. (734945/448-89425/470-615).

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mm) Improving Water Distribution System to serve Shelly's Orchard Addition (east of Maize, north of Pawnee). Total Cost - \$50,997.02 (plus idle fund interest - \$583.98 plus temporary note interest - \$375.00). Financing to be issued at this time - \$51,956.00. (735053/448-89663/470-723).

nn) Improving Water Distribution System to serve Ridge Port 4th Addition (south of 37th Street North, east of Ridge). Total Cost - \$58,779.85 (plus idle fund interest - \$367.15 plus temporary note interest - \$420.00). Financing to be issued at this time - \$59,567.00. (735063/448-89592/470-733).

oo) Improving Water Distribution System to serve Harrison Park 2nd Addition (north of Harry, east of Webb Road). Total Cost - \$20,349.36 (plus idle fund interest - \$70.64 plus temporary note interest - \$150.00). Financing to be issued at this time - \$20,570.00. (735073/448-89706/470-743).

pp) Improving Water Distribution System to serve Brentwood South Addition, Brentwood Village and Maple Shade Addition (east of Webb Road, north of Pawnee). Total Cost - \$88,093.46 (plus idle fund interest - \$1,167.80 plus temporary note interest - \$769.74). Financing to be issued at this time - \$90,031.00. (735042/448-89635/470-712).

qq) Improving Water Supply Line in Tyler Road (north of 29th Street North to south of 37th Street North). Total Cost - \$121,984.03 (plus idle fund interest - \$1,055.11 plus temporary note interest - \$1,666.86). Financing to be issued at this time - \$124,706.00. (735033/448-89596/470-703).

rr) Improving Water Distribution System to serve Westridge Estates (south of 29th Street North, east of 119th Street West). Total Cost - \$53,956.66 (plus idle fund interest - \$472.24 plus temporary note interest - \$776.10). Financing to be issued at this time - \$55,205.00. (734963/448-89470/470-633).

ss) Improving Lateral 80, Main 22, War Industry Sewer to serve Wilson Farms 2nd Addition (south of 21st Street North, west of Webb Road). Total Cost - \$55,200.00 (plus idle fund interest - \$713.60 plus temporary note interest - \$755.40). Financing to be issued at this time - \$56,669.00. (743891/468-83076/480-579).

tt) Improving Lateral 81, Main 22, War Industry Sewer to serve Wilson Farms 2nd Addition (south of 21st Street North, west of Webb Road). Total Cost - \$36,804.43 (plus idle fund interest - \$498.56 plus temporary note interest - \$491.01). Financing to be issued at this time - \$37,794.00. (743892/468-83123/480-580).

uu) Improving Lateral 18, Cowskin Interceptor Sewer to serve Reece Farms Estates (south of Maple, west of 151st Street West). Total Cost - \$96,807.91 (plus idle fund interest - \$998.57 plus temporary note interest - \$1,307.52). Financing to be issued at this time - \$99,114.00. (743908/468-82831/480-596).

vv) Improving Lateral 23, Cowskin Interceptor Sewer to serve Highland Springs 2nd Addition (south of Central, west of 135th Street West). Total Cost - \$109,737.28 (plus idle fund interest - \$1,194.58 plus temporary note interest - \$1,471.14). Financing to be issued at this time - \$112,403.00. (743902/468-83028/480-590).

ww) Improving Lateral 304, Four Mile Creek Sewer to serve Brookhaven Estates Addition (north of Central, east of 159th Street East). Total Cost - \$246,645.98 (plus idle fund interest - \$3,326.06 plus temporary note interest - \$3,276.96). Financing to be issued at this time - \$253,249.00. (743867/468-83238/480-555).

xx) Improving Lateral 321, Four Mile Creek Sewer to serve Maple Shade Addition (east of Webb Road, north of Pawnee). Total Cost - \$70,146.48 (plus idle fund interest - \$1,138.02 plus temporary note interest - \$517.50). Financing to be issued at this time - \$71,802.00. (743910/468-83356/480-598).

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yy) Improving Lateral 5, Main 2, Cowskin Interceptor Sewer, to serve Auburn Hills 12th Addition (north of Kellogg, west of 135th Street West). Total Cost - \$76,844.18 (plus idle fund interest - \$838.54 plus temporary note interest - \$1,025.28). Financing to be issued at this time - \$78,708.00. (743905/468-83179/480-593).

zz) Improving Lateral 105, Sanitary Sewer #23 to serve Great Plains Business Park 3rd Addition (south of 37th Street North, east of Oliver). Total Cost - \$10,688.77 (plus idle fund interest - \$126.98 plus temporary note interest - \$77.25). Financing to be issued at this time - \$10,893.00. (743926/468-83433/480-614).

aaa) Improving Lateral 324, Four Mile Creek Sewer to serve Rocky Creek Addition (north of 13th Street North, east of 127th Street East). Total Cost - \$32,194.64 (plus idle fund interest - \$481.36 plus temporary note interest - \$240.00). Financing to be issued at this time - \$32,916.00. (743898/468-83346/480-586).

bbb) Improving Lateral 316, Four Mile Creek Sewer to serve Rocky Creek Addition and Rocky Creek 2nd Addition (north of 13th Street North, east of 127th Street East). Total Cost - \$96,185.31 (plus idle fund interest - \$2,231.17 plus temporary note interest - \$1,307.52). Financing to be issued at this time - \$99,724.00. (743886/468-83325/480-574).

ccc) Improving Lateral 327, Four Mile Creek Sewer to serve Balthrop 4th Addition (north of Central, east of Greenwich). Total Cost - \$176,084.00 (plus idle fund interest - \$3,009.00 plus temporary note interest - \$1,290.00). Financing to be issued at this time - \$180,383.00. (743914/468-83390/480-602).

ddd) Improving Lateral 310, Four Mile Creek Sewer to serve Smithmoor 10th Addition (south of Harry, west of Greenwich). Total Cost - \$136,478.42 (plus idle fund interest - \$1,711.54 plus temporary note interest - \$1,343.04). Financing to be issued at this time - \$139,533.00. (743915/468-83282/480-603).

eee) Improving Lateral 1, Main 10, Four Mile Creek to serve Dillon 12th and Chapel Hill Addition (north of 13th Street North, east of Greenwich). Total Cost - \$109,962.53 (plus idle fund interest - \$1,923.47 plus temporary note interest - \$810.00). Financing to be issued at this time - \$112,696.00. (743906/468-83084/480-594).

fff) Improving Lateral 2, Main 10, Four Mile Creek to serve Chapel Hill Addition (north of 13th Street North, east of Greenwich). Total Cost - \$85,573.61 (plus idle fund interest - \$1,535.89 plus temporary note interest - \$637.50). Financing to be issued at this time - \$87,747.00. (743907/468-83085/480-595).

ggg) Improving Lateral 482, Southwest Interceptor Sewer to serve Shelly's Orchard Addition (east of Maize, north of Pawnee). Total Cost - \$40,741.46 (plus idle fund interest - \$602.54 plus temporary note interest - \$300.00). Financing to be issued at this time - \$41,644.00. (743917/468-83407/480-605).

hhh) Improving Lateral 335, Four Mile Creek Sewer to serve Harrison Park 2nd Addition (north of Harry, east of Webb Road). Total Cost - \$22,445.49 (plus idle fund interest - \$97.01 plus temporary note interest - \$157.50). Financing to be issued at this time - \$22,700.00. (743935/468-83475/480-623).

iii) Improving Lateral 6, Main 17, Southwest Interceptor Sewer to serve Forest Lakes Addition (north of 29th of Ridge Road). Total Cost - \$56,709.69 (plus idle fund interest - \$824.81 plus temporary note interest \$412.50). Financing to be issued at this time - \$57,947.00. (743918/468-82304/480-606).

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jjj) Improving Lateral 384, Southwest Interceptor Sewer to serve Forest Lakes West Addition (north of 29th Street North, east of Tyler). Total Cost - \$56,412.68 (plus idle fund interest - \$691.82 plus temporary note interest - \$412.50). Financing to be issued at this time - \$57,517.00. (743919/468-82769/480-607).

kkk) Improving Lateral 385, Southwest Interceptor Sewer to serve Forest Lakes West Addition (north of 29th Street North, east of Tyler). Total Cost - \$32,245.22 (plus idle fund interest - \$418.28 plus temporary note interest - \$232.50). Financing to be issued at this time - \$32,896.00. (743920/468-82770/480-608).

lll) Improving Lateral 313, Four Mile Creek Sewer to serve Equestrian Estates Addition (south of Harry, east of 127th Street East). Total Cost - \$284,330.60 (plus idle fund interest - \$3,100.52 plus temporary note interest - \$3,818.88). Financing to be issued at this time - \$291,250.00. (743896/468-83317/480-584).

mmm) Improving Lateral 319, Four Mile Creek Sewer to serve Brentwood South Addition, Brentwood Village and Maple Shade Addition (north of Pawnee, east of Webb Road). Total Cost - \$158,940.85 (plus idle fund interest - \$2,657.41 plus temporary note interest - \$1,294.74). Financing to be issued at this time - \$162,893.00. (743909/468-83353/480-597).

nnn) Improving Lateral 24, Main 13, War Industries Sewer - Unplatted Tract in Section 27, TWP 27S, R2E (south of Orme, east of Greenwich). Total Cost - \$10,193.97 (plus idle fund interest - \$229.91 plus temporary note interest - \$141.12). Financing to be issued at this time - \$10,565.00. (743884/468-83303/480-572).

ooo) Improving Lateral 11, Main 17, Southwest Interceptor Sewer to serve Forest Lakes Addition (north of 29th Street North, west of Ridge). Total Cost - \$43,467.18 (plus idle fund interest - \$369.82 plus temporary note interest - \$315.00). Financing to be issued at this time - \$44,152.00. (743934/468-82309/480-622).

ppp) Improving Lateral 300, Four Mile Creek Sewer to serve Cedar View 2nd Addition (east of Greenwich,). Total Cost - \$66,372.71 (plus idle fund interest - \$761.33 plus temporary note interest - \$870.96). Financing to be issued at this time - \$68,005.00. (743901/468-83222/480-589).

qqq) Improving Lateral 23, Main 13, War Industry Sewer to serve Premier Addition (north of Kellogg, west of Greenwich). Total Cost - \$38,793.29 (plus idle fund interest - \$627.71 plus temporary note interest - \$285.00). Financing to be issued at this time - \$39,706.00. (743921/468-83239/480-609).

rrr) Improving Lateral 3, Main 19, Southwest Interceptor Sewer to serve Ridge Port North 4th Addition (south of 37th Street North, east of Ridge). Total Cost - \$142,376.63 (plus idle fund interest - \$746.87 plus temporary note interest - \$1,042.50). Financing to be issued at this time - \$144,166.00. (743924/468-83276/480-612).

sss) Improving Lateral 41, Main 21, Sanitary Sewer 22 to serve Womer Plaza Addition (west of Womer, north of 33rd Street North). Total Cost - \$85,584.64 (plus idle fund interest - \$1,045.46 plus temporary note interest - \$1,158.90). Financing to be issued at this time - \$87,789.00. (743904/468-83362/480-592).

ttt) Improving Lateral 326, Four Mile Creek Sewer to serve Pine Meadow 2nd Addition (east of Greenwich, south of 13th Street North). Total Cost - \$111,758.49 (plus idle fund interest - \$1,477.97 plus temporary note interest - \$1,512.54). Financing to be issued at this time - \$114,749.00. (743900/468-83373/480-588).

uuu) Improving Lateral 1, Main 11, Four Mile Creek Sewer (north of 21st Street North, west of 127th Street East). Total Cost - \$237,649.24 (plus idle fund interest - \$3,016.92 plus temporary note interest - \$2,235.84). Financing to be issued at this time - \$242,902.00. (743912/468-83400/480-600).

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vvv) Improving Storm Water Sewer 539 to serve Wilson Farms 2nd Addition (south of 21st Street North, west of Webb). Total Cost - \$39,895.06 (plus idle fund interest - \$440.12 plus temporary note interest - \$533.82). Financing to be issued at this time - \$40,869.00. (751304/468-83124/485-195).

www) Improving Storm Water Sewer 547 to serve Cedar View 2nd Addition (east of Greenwich, north of Lincoln). Total Cost - \$120,010.80 (plus idle fund interest - \$1,359.94 plus temporary note interest - \$1,645.26). Financing to be issued at this time - \$123,016.00. (751307/468-83194/485-198).

xxx) Improving Storm Water Sewer 564 to serve the Gateway Center Addition (south of 13th Street North, east of Greenwich). Total Cost - \$200,810.67 (plus idle fund interest - \$2,592.29 plus temporary note interest - \$1,808.04). Financing to be issued at this time - \$205,211.00. (751308/468-83374/485-199).

yyy) Improving Storm Water Sewer #567 to serve Wilson Farms 3rd Addition (south of 21st Street North, west of Webb). Total Cost - \$181,738.79 (plus idle fund interest - \$2,273.67 plus temporary note interest - \$1,665.54). Financing to be issued at this time - \$185,678.00. (751311/468-83398/485-202).

zzz) Improving Storm Water Drain # 185 to serve the Fairmont Addition (north of 21st Street, west of 127th Street East). Total Cost - \$161,205.94 (plus idle fund interest - \$1,540.06 plus temporary note interest - \$1,170.00). Financing to be issued at this time - \$163,916.00. (751312/468-83403/485-203).

aaaa) Improving Storm Water Drain 165 to serve Remington Place Addition (east of Webb, south of 21st Street North). Total Cost - \$121,930.64 (plus idle fund interest - \$1,999.04 plus temporary note interest - \$1,693.32). Financing to be issued at this time - \$125,623.00. (751302/468-83252/485-193).

bbbb) Improving Storm Water Drain 178 to serve Equestrian Estates (east of 127th Street east, south of Harry). Total Cost - \$146,808.32 (plus idle fund interest - \$1,824.88 plus temporary note interest - \$1,237.80). Financing to be issued at this time - \$149,871.00. (751305/468-83320/485-196).

cccc) Improving Storm Water Sewer 560 to serve Maple Shade Addition (north of Pawnee, east of Webb Road). Total Cost - \$65,947.73 (plus idle fund interest - \$715.03 plus temporary note interest - \$612.24). Financing to be issued at this time - \$67,275.00. (751310/468-83358/485-201).

dddd) Improving Storm Water Sewer 566 to serve Balthrop 4th Addition (north of Central, east of Greenwich). Total Cost - \$291,819.47 (plus idle fund interest - \$4,727.53 plus temporary note interest - \$2,145.00). Financing to be issued at this time - \$298,692.00. (751313/468-83392/485-204).

eeee) Improving Storm Water Sewer 545 to serve Auburn Hills 12th Addition (south of Maple, west of 135th Street West). Total Cost - \$75,181.33 (plus idle fund interest - \$1,006.37 plus temporary note interest - \$747.30). Financing to be issued at this time - \$76,935.00. (751314/468-83181/485-205).

ffff) Improving Storm Water Sewer 541 to serve Ridge Port North 3rd and 4th Additions (south of 37th Street North, east of Ridge Road). Total Cost - \$390,852.50 (plus idle fund interest - \$7,221.80 plus temporary note interest - \$5,414.70). Financing to be issued at this time - \$403,489.00. (751303/468-83165/485-194).

gggg) Improving Storm Water Drain 181 to serve Brentwood South Addition (north of Pawnee, east of Webb Road). Total Cost - \$376,005.15 (plus idle fund interest - \$5,420.81 plus temporary note interest - \$3,083.04). Financing to be issued at this time - \$384,509.00. (751309/468-83355/485-200).

hhhh) Improving Art Museum. Total Cost - \$6,000,000.00 (plus idle fund interest - \$45,696.08; plus temporary financing - \$29,303.92; less financing previously issued - \$2,375,000). Financing to be issued at this time - \$3,700,000. (792329/435-300).

iiii) Wichita Drainage Canal. Total Cost- \$2,752,848.64 (plus idle fund interest - \$50,994.42 plus temporary financing - \$17,816.94; less financing previously issued - \$0). Financing to be issued at this time - \$2,821,660. (660785/861-002).

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jjjj) Park Facilities Renovation 2001. Total Cost- \$249,666.61 (plus temporary note financing - \$333.39; plus idle fund interest - \$5,064.05; plus gain from sale of investments - \$266.49; less financing previously issued - \$251,500). Financing to be issued at this time - \$3,830.00. (785020/391-152).

kkkk) Improving Playground Equipment. Total Cost - \$44,873.62 (plus temporary note financing - \$391.14; plus idle fund interest - \$119.19; less loss from sale of investments - \$7.61; less financing previously issued - \$23,501). Financing to be issued at this time - \$21,880. (785923/399-124).

llll) Vest Pocket Park Renovation (Reflection Park). Total Cost - \$612,921.28 (plus temporary note financing - \$11,110.33; plus idle fund interest \$9,202.55; less loss from sale of investments - \$473.94; less financing previously issued - \$614,862). Financing to be issued at this time - \$17,900. (791848/435-213).

mmmm) Improving Park Paths and Sidewalks. Total Cost - \$39,499.40 (plus idle fund interest - \$28.23; less loss from sale of investments - \$11.06; less financing previously issued - \$0). Financing to be issued at this time - \$39,520. (785025/392-157).

nnnn) Improving South Lakes Sports Complex. Total Cost - \$1,518,775 (plus temporary note financing - \$2,025.18; plus idle fund interest \$31,990.78; plus gain from sale of investments - \$2,102.49; less financing previously issued - \$1,519,000). Financing to be issued at this time - \$35,890. (785766/398-108).

oooo) Improving Swimming Pools. Total Cost - \$80,302.31 (plus idle fund interest - \$697.69). Financing to be issued at this time - \$81,000.00 (785024/392-156).

pppp) Improving Lots and Entry Drives. Total Cost - \$440,161.90 (less idle fund interest - \$11.90). Financing to be issued at this time - \$440,150.00, (785028/392-160).

qqqq) Improving Lawrence Dumont Stadium. Total Cost - \$3,413,191.79 (Less Interest Earnings - \$38,064.01). (Less revenues - \$3,215,045.80). Financing to be issued at this time - \$236,210.00. (792051/358234)

rrrrr) Improving Farm and Art Market. Total Cost - \$574,620.22 (Less Interest Earnings \$3,845.26) (Less Revenues - \$330,005.48). Financing to be issued at this time - \$248,460.00. (792315/435277)

Motion -- carried

Knight moved that the Statements of Cost be approved and filed. Motion carried 6 to 0. (Pisciotte absent)

PARTIAL STATEMENTS OF COST:

a) (Amended Fourth Partial) Estimate of Cost for improving Hydraulic, 57th to MacArthur - \$3,315,670; less financing previously issued - \$735,000. Financing to be issued at this time - \$2,580,670. (706810/472-83324/201-275).

b) (Sixth Partial) Estimate of Cost for improving Seneca, Maple to McLean - \$2,590,000; less financing previously issued - \$1,490,000. Financing to be issued at this time - \$1,100,000. (706747/472-82966/208-228).

c) (Sixth Partial) Estimate of Cost for improving Arkansas Riverbank Improvements - \$4,459,000; less financing previously issued - \$3,992,000. Financing to be issued at this time - \$467,000. (706556/405-209).

d) (Seventh Partial) Estimate of Cost for the Lawrence Dumont Stadium Improvements - \$3,255,042; less financing previously issued - \$3,215,042. Financing to be issued at this time - \$40,000. (792051/N.A./358-234).

e) This Item was deleted intentionally.

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- f) (Fourth Partial) Estimate of Cost for Performance Contracting - \$2,365,000; less financing previously issued - \$2,125,000. Financing to be issued at this time - \$240,000. (792338/N.A./435-308).
- g) (First Partial) Estimate of Cost for the South Regional Library - \$3,015,000; less financing previously issued - \$0.00. Financing to be issued at this time - \$3,015,000. (792372/435-342).
- h) (First Partial) Estimate of Cost for the North Regional Library - \$220,000; less financing previously issued - \$0.00. Financing to be issued at this time - \$220,000. (792374/435-344).
- i) (First Partial) Estimate of Cost for Fire Equipment Replacement - \$40,671; less financing previously issued - \$0.00. Financing to be issued at this time - \$40,671. (792377/435-347).
- j) (Third Partial) Estimate of Cost for the Northeast Soccer & Baseball Complex - \$1,208,506; less financing previously issued - \$1,198,506. Financing to be issued at this time - \$10,000 (785001/390-132).
- k) (Second Partial) Estimate of Cost for improving Grove Park Design- \$140,000; less financing previously issued - \$100,000. Financing to be issued at this time - \$40,000. (785008/472-8315 /390-140).
- l) (First Partial) Estimate of Cost for improving Park Facilities 2002- \$215,000; less financing previously issued - \$0. Financing to be issued at this time - \$215,000. (785023/392-155).
- m) (First Partial) Estimate of Cost for improving Athletic Courts 2002 - \$152,000 less financing previously issued - \$0. Financing to be issued at this time - \$152,000. (785029/392-161).
- n) (First Partial) Estimate of Cost for improving Athletic Courts 2003 - \$126,000 less financing previously issued - \$0. Financing to be issued at this time - \$126,000. (785030/393-162).

Motion --
--carried

Knight moved that the Partial Statements of Cost be approved and filed. Motion carried 6 to 0.
carried (Pisciotte absent)

WHISPERING LAKES PETITIONS FOR STREET PAVING, SANITARY SEWER, AND WATER DISTRIBUTION SYSTEM TO SERVE WHISPERING LAKES ESTATES – SOUTH OF HARRY, EAST OF 143RD STREET EAST. (District II)

Agenda Report No. 02-2146

The Petitions have been signed by one owner, representing 100% of the improvement districts.

These projects will provide paving, sanitary sewer, and water service to a new residential development located south of Harry, east of 143rd Street East.

The Petitions total \$723,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion -- carried

Knight moved that the Petitions be approved and the Resolutions be adopted. Motion carried 6 to 0.
(Pisciotte absent)

RESOLUTION NO. 02-566

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89758, (south of Harry, east of 143rd Street East) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas,

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presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Pisciotte absent)
Yeas: Brewer, Fearey, Gale, Lambke, Martz, Knight. (Pisciotte absent)

RESOLUTION NO. 02-567

Resolution of findings of advisability and Resolution authorizing construction of Lateral 342, Four Mile Creek Sewer (south of Harry, east of 143rd Street East), 468-83538, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Pisciotte absent)
Yeas: Brewer, Fearey, Gale, Lambke, Martz, Knight. (Pisciotte absent)

RESOLUTION NO. 02-568

Resolution of findings of advisability and Resolution authorizing improving Woodcreek from the east line of Rosewood to the east line of Whispering Lakes Estates Addition; Rosewood, from the east line of Brookhaven to the west line of 159th Street East; Rosewood Court (Lots 9-16, Block 1) from the north line of Rosewood to and including cul-de-sac; and Rosewood Court (Lots 1-8, Block 1) from the north line of Rosewood to and including cul-de-sac, (south of Harry, east of 143rd Street East), 472-83668, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Pisciotte absent) Yeas: Brewer, Fearey, Gale, Lambke, Martz, Knight. (Pisciotte absent)

SWS PETITION

PETITION FOR STORM WATER SEWER TO SERVE PART OF BRANDT COMMERCIAL AND HUNTINGTON PARK ADDITIONS – WEST OF MAIZE, SOUTH OF 13TH. (District V)

Agenda Report No. 02-2147

The Petition has been signed by four owners, representing 100% of the improvement district.

The project will provide drainage improvements for an undeveloped commercial area.

The Petition totals \$76,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion --
-- carried

Knight moved that the Petition be approved and the Resolution be adopted. Motion carried 6 to 0. (Pisciotte absent)

RESOLUTION NO. 02-569

Resolution of findings of advisability and Resolution authorizing improving of Storm Water Sewer No. 584 (west of Maize, south of 13th Street) 468-83562, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Pisciotte absent) Yeas: Brewer, Fearey, Gale, Lambke, Martz, Knight. (Pisciotte absent)

BOARDS MINUTES

MINUTES OF ADVISORY BOARDS/COMMISSIONS:

City of Wichita Airport Advisory Board Meeting Minutes; September 9, 2002.

City of Wichita Alternative Correctional Housing Advisory Board Meeting Minutes;
September 26, 2002.

Wichita Employees Retirement Board/Police & Fire Retirement Board Joint Investment Committee
Minutes: October 3, 2002.

District VI Advisory Board Meeting Minutes; October 7, 2002.

Board of Code Standards and Appeals Meeting Minutes; November 4, 2002.

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City of Wichita Airport Advisory Board Meeting Minutes; November 4, 2002 -
Board of Park Commissioners Regular Meeting Minutes; November 18, 2002.
Wichita Public Library Board of Directors Meeting Minutes; November 19, 2002.

Motion --carried Knight moved that the Minutes be received and filed. Motion carried 6 to 0. (Pisciotta absent)

STREET CLOSURES **CONSIDERATION OF STREET CLOSURES/USES.**

There were not street closures submitted.

REPORT ON CLAIMS ALLOWED - NOVEMBER 2002:

<u>Name of Claimant</u>	<u>Amount</u>
Atwood, Tammy	\$267.90**
Fox, Su	\$507.21
Jacques, Andy	\$349.41
Kansas Truck Equipment Co., Inc.	\$683.70
Myshka, Paul	\$391.00
Sager, Melissa	\$156.73
Sedgwick County Risk Mgmt	\$2,457.10
**Settled for lesser amount t	

Motion -- carried Knight moved that the report be received and filed. Motion carried 6 to 0. (Pisciotta absent)

CHENEY **CHENEY RESERVOIR WATERSHED COST-SHARE.**

Agenda Report No. 02-2148

Cheney Reservoir is a major water source for Wichita, providing approximately 60% of the City's annual water supply. On August 24, 1993, City Council approved assuming part of the cost-share that would allow landowners to implement "best management practices" in the watershed above the Reservoir.

Cheney Reservoir has two pollution problems: sedimentation and phosphates. Sediment washes into the Reservoir from soil erosion which can reduce the life of the Reservoir and high phosphates levels can lead to an increase in microscopic plant activity, thus increasing taste and odor problems in water from the lake.

The Reno County Conservation District has acquired funds from the Water Resources Cost Share Program (WRCS) and the Non-Point Source Pollution Control Fund (NPS) to help finance the installation of conservation practices that will reduce pollution entering the Reservoir. Under these programs the producer can implement "best management practices" (BMP) that will reduce pollution from their land and apply for reimbursement for up to 70% of the cost.

The intention of this MOU is to facilitate a means whereby the producer can receive up to 100% reimbursement by having the City provide up to a 30% cost-share for improvements. Producers will not be eligible for costs that exceed the county average cost for the improvements. While funds are authorized for the Reno County Conservation District, administration of the funds will be through the Cheney Watershed Citizens Management Committee. The agreement helps to facilitate the creation of partnerships between producers in the watershed and the City that will reduce pollution entering Cheney Reservoir. All counties in the watershed, Stafford, Pratt, and Kingman have agreed to participate. Completed projects will be submitted to the City through the Reno County Conservation District.

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Alternatives the City could pursue to reduce or eliminate pollution in Cheney Reservoir are:

- 1) Participate in the program. The WRCS and NPS programs would provide 70% of the funds used to correct pollution problems in the basin, with the remaining 30% coming from the City.
- 2) Wait until the pollution is more severe; however, the City would stand the risk of not having other funding sources. Furthermore, customer dissatisfaction with taste and odor, or the cost of treating cleanup of the basin would have a detrimental impact.
- 3) Forego efforts to work in the basin, and respond to the water quality in the Reservoir by using methods such as granular activated carbon, ozone, or other such methods. The cost could be as high as \$800,000 per year to remove the materials in the water, but would not remove the sediment entering the Reservoir. Removing sediment once it is there to extend the life of the Reservoir, would require dredging, which is costly and environmentally destructive.

The maximum WRCS cost-share available to a single producer in Reno County in the fiscal year is limited to \$7,500 and limited to \$7,500 for the NPS Program. Calculation is based on county average cost, or actual cost, whichever is less. Reno County has WRCS funds of \$59,014 available in fiscal year 2003, while NPS has 54,525 available.

Stafford County maximum for WRCS available to a single producer will be limited to \$2,500 and \$3,000 for the NPS Program. The total amount of WRCS funds available in 2003 will be \$44,696 and NPS will have funds available of \$24,033.

Pratt County maximum for WRCS available to a single producer will be limited to \$6,000 and \$2,200 for NPS. The total WRCS funds available in year 2003 will be \$42,341 and NPS will have funds available of \$26,954.

Kingman County maximum for WRCS available to a single producer is limited to \$3,500 and \$10,000 for NPS. The total amount of WRCS available in 2003 will be \$24,171 and NPS will have funds available of \$35,347.

Cost to the City shall not exceed \$51,067 for WRCS projects and \$42,258 for NPS projects for a combined amount of \$93,325 in fiscal year 2003. CIP W-500 (Watershed Protection Plan) has allocated \$200,000 in 2002, 2003, and 2004 for this effort. Additional funding sources include the EPA, State Water Plan, and the USDA, all helping to diversify the cost.

The Law Department has approved the Memorandum of Understanding as to form.

Motion --
-- carried

Knight moved that the Memorandum of Understanding be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Pisciotta absent)

WORKFORCE

WORKFORCE LOCAL ELECTED OFFICIAL BOARD.

Agenda Report No. 02-2149

On February 29, 2000, the City Council approved an agreement designating the Regional Area Economic Partnership (REAP) as the Local Elected Official Board (LEOB) for Local Area IV for the purpose of the federal Workforce Investment Act of 1998 (WIA). At the time of this designation, the State of Kansas Department of Human Resources (KDHR) had not yet promulgated its rules and regulations regarding the appointment of members to an LEOB or the division of WIA responsibilities among chief elected officials. After issuing its regulations, KDHR has determined that the substance of the prior agreement and the procedure followed for Local Area IV does not comply with the regulations. Accordingly, REAP has prepared a new version of the LEOB Agreement to comply with the new KDHR regulations. REAP has requested that each REAP member's governing body approve the agreement.

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WIA includes important provisions that are intended to promote local oversight and governance of workforce development programs. The principal mechanism for this oversight function is the local workforce investment board (LWIB), whose makeup is in large part prescribed by the federal statute and is designed to include significant private sector involvement. In Local Area IV (which includes Sedgwick, Butler, Sumner, Cowley, Kingman and Harper counties), the LWIB is the Workforce Alliance of Southcentral Kansas.

The statutory role of chief elected officials under WIA includes the appointment of members to the LWIB and collaboration with the LWIB in appointing a Youth Council, developing a workforce development plan, certifying workforce development centers and approving budgets. The City of Wichita serves as grant recipient for federal grant funds allocated to Local Area IV, and also serves as the fiscal agent for the disbursement of workforce grant funds.

REAP agreed to serve as the chief elected official for all other chief elected official functions in Local Area IV because it is an existing council of governments covering much of the same territory as Local Area IV and because one of REAP's primary objectives is economic development, including workforce development. REAP's territory also includes Harvey and Reno counties, which are not included in Local Area IV but do represent an important part of the regional labor pool. REAP's Economic Development Committee has been delegated principal responsibility for carrying out the chief elected official duties on behalf of REAP.

There is no financial impact to the City.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved; and the necessary signatures be authorized.
Motion carried 6 to 0. (Pisciotta absent)

CDBG HOMELESS

UNITED METHODIST URBAN MINISTRY OF WICHITA, INC.

Agenda Report No. 02-2150

On May 14, 2002 the City Council approved 2002 Community Development Block Grant (CDBG) funding to assist a Homeless Facility. Recommendations were solicited and received from the Homeless Coalition to provide CDBG funding to United Methodist Urban Ministry of Wichita, Inc., to rehabilitate a house used for transitional housing for the homeless.

The United Methodist Urban Ministry of Wichita, Inc. is a non-profit organization. The rehabilitation of a single family home used for transitional housing will provide clean safe and decent housing for homeless families with children in a transitional period. Funds from the City's CDBG 2002 program will be used to rehabilitate one of the six houses used for transitional housing for the homeless owned by United Methodist Urban Ministry of Wichita, Inc.

A contract has been negotiated with United Methodist Urban Ministry of Wichita, Inc., which establishes the scope of services and funding. The contract term is December 17, 2002 to June 30, 2003.

Funding in the amount of \$15,000 for this project is budgeted in the approved 2002/2003 CDBG One-Year Action Plan.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved; and the necessary signatures be authorized.
Motion carried 6 to 0. (Pisciotta absent)

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GILBERT MOSLEY SUPPLEMENTAL AGREEMENT FOR PROFESSIONAL SERVICES (LEGAL) - GILBERT & MOSLEY.

Agenda Report 02-2151

The City entered into a professional services agreement and subsequent supplemental agreements with Stinson Morrison Hecker LLP (formerly Stinson, Mag & Fizzell) to provide legal advice on environmental matters relating to the investigation and clean-up of groundwater contamination in the Gilbert & Mosley Site. That firm, including David Tripp, assisted staff and Council on a number of elements on the project and continues to provide advice and legal representation as needed as the project is being implemented. Extensive effort has also been placed in the identification of responsible parties for cost recovery purposes. Litigation against a number of responsible parties has resulted in significant legal services for depositions, document production, motions, settlements, trial preparation, and other litigation services.

This supplemental agreement provides additional authority to continue to use the services of Stinson Morrison Hecker LLP on an as-needed basis for particular legal and environmental issues. This agreement also continues to provide for the litigation team headed by Robert L. Driscoll, which is handling the litigation to recover costs from responsible parties. This agreement also provides for payment of most of the City's expert witnesses in the litigation, which are retained by the law firm, and for the costs related to litigation.

This supplemental agreement provides authority for an additional \$290,000 in legal services and related expenses. These services will be paid out of the Gilbert & Mosley TIF.

Motion -- Knight moved that the Agreement/Contract be approved; and the necessary signatures be authorized.
-- carried Motion carried 6 to 0. (Pisciotta absent)

ENCROACHMENT EASEMENT ENCROACHMENT. (District V)

Agenda Report No. 02-2152

The Agreement allows Jacques D. and Barbara J. Blackman to occupy and construct for 14024 Highland Springs Court Creek, improvements on, over, and across the aforesaid drainage and utility easement 20 feet in width, adjacent and northeast of a line described as: commencing at the N.W. corner of said lot 26, Block C, Highland Springs 2nd Addition, thence S 3° 44' 10" W along the west line of said Lot 26, 0.96 feet to the point of beginning; thence S 65° 04' 55" E along the southwesterly line of said drainage & utility easement to the northeasterly lot line of said lot 26. Said lot being addressed as 14024 Highland Springs Court Creek, hereinafter referred to as Tract "A" and waives all rights of action in law arising out of the encroachment into the easement. The improvement is to be an attached deck encroaching 2.5 feet into the easement.

The Agreement allows the City to be held harmless from any and all claims resulting from leaking, cave-in or failure of said sewer line lying within Tract "A" and from claims resulting from replacement or upgrade of lines, manholes, and/or other department property in the easement.

There are no financial considerations.

Motion -- Knight moved that the Agreement/Contract be approved; and the necessary signatures be authorized.
-- carried Motion carried 6 to 0. (Pisciotta absent)

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R.R. GRADE

CITY/COUNTY RAILROAD GRADE SEPARATION PROJECT.

Agenda Report No. 02-2153

In June 1998, the City of Wichita and Sedgwick County agreed that 7.2% of all external funding for railroad grade separation monies received by the City would be made available for projects constructed by the County.

Sedgwick County is preparing to receive bids for a grade separation on 71st Street South (Grand Avenue in Haysville) where it intersects the Union Pacific Railroad. An agreement has been prepared to facilitate the agreement entered into in 1998.

The County cannot administer projects that have Federal money in them. Therefore, they have requested that the City increase the County's share of State System Enhancement funds by the amount equal to the County's Federal funds. In return, the City will retain all Federal funds.

SOURCE	PRIOR FUNDING	PROPOSED FUNDING
State System Enhancement	\$3,600,000.00	\$5,350,932.79
Federal TEA-21	<u>1,750,932.79</u>	<u>0</u>
TOTAL	\$5,350,932.79	\$5,350,932.79

Motion --
-- carried

Knight moved that the Agreement/Contract be approved; and the necessary signatures be authorized.
Motion carried 6 to 0. (Pisciotte absent)

FRANCHISE

TELECOMMUNICATIONS FRANCHISE EXTENSIONS.

Agenda Report No. 02-2154

The City Council approved a telecommunications franchise with Southwestern Bell Telephone Company on April 16, 1996, and with Adelphia Business Solutions, Inc., on January 8, 2002; these franchises were to expire on June 30, 2002. Because of legislative amendments to the Franchise Act in 2002, the City Council granted additional time for negotiations on June 25, 2002. With the approaching December 31, 2002, expiration, additional time is need to conclude negotiations and draft the contract franchises.

The proposed Extension Agreements with Southwestern Bell Telephone Company and Adelphia Business Solutions, Inc., maintain the current franchises and all of their provisions until March 31, 2003, or until new franchises are negotiated and adopted, whichever occurs first.

The franchise Extension Agreements maintain the current level of compensation to the City at \$1.81 per month for each access line in the City.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved; and the necessary signatures be authorized.
Motion carried 6 to 0. (Pisciotte absent)

GAS LINE

RELOCATION OF NATURAL GAS TRANSMISSION LINE AT BROOKS LANDFILL. (District VI)

Agenda Report No. 02-2155

In October, 2001, Brooks Landfill ceased operations as a Municipal Solid Waste Landfill. At that time, Brooks began operating as a Construction and Demolition (C&D) Landfill under a permit modification approved by the Kansas Dept. of Health and Environment (KDHE). The permit provides for staged development of the C&D Landfill, with fill commencing in the low areas of Cell C, then progressing to fill other low areas on the site, currently occupied by a Williams Natural Gas Pipeline easement. Filling in the pipeline easement areas will require the relocation of the existing natural gas pipeline in this area.

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Relocation of the pipeline will enable the City to obtain final KDHE approval for use of the easement areas for C&D Landfill operations. Public Works staff has negotiated an agreement with Williams Gas Pipelines Central, Inc. to relocate the pipeline.

The agreement with Williams will enable them to vacate the current pipeline, and relocate it around the landfill. Williams has estimated the cost for this relocation to be \$499,952. The City agrees to pay the cost of the relocation, and grant a new easement for the relocated line. Upon execution of the agreement, the relocation of the pipeline will be performed during the spring of 2003. The City will then submit final plans to KDHE for the permit to use this area for C&D operations. KDHE has approved the plan conceptually. Relocation of this pipeline will provide for over 2 million cubic yards of space for future C&D disposal.

The estimated relocation cost of \$499,952 will be borne by the City. Funding in the amount of \$500,000 is available in the 2003 Landfill budget for this work.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved; and the necessary signatures be authorized. Motion carried 6 to 0. (Pisciotte absent)

UTILITY BILLING

BANNER WATER UTILITY BILLING SYSTEM SUPPORT.

Agenda Report No. 02-2156

Staff has negotiated a contract with MAK Consulting for two items, maintenance support for the Banner Water Utility Billing system, and Banner enhancements. This contract is replacing the existing budgeted support contract with SCT, the developer of the Water Utility Billing software. The reason for the transfer is due to the need for tighter optimization of the current system, and advanced application stability and support that is more in tune with our unique customized needs. Historically the vendor, SCT Utility Systems, has been the support vendor for this application, however their support has been slow and has not produced desired results for the software to operate optimally.

The City of Wichita began implementation of the Banner Water Utility Billing System in 1998 to replace ReactIV, the previous water billing solution. The Banner system went into production October 2000. In order to take advantage of additional features and enhancements, an upgrade on that system was approved in January 2002 and has been completed. With the completion of this upgrade, the Wichita Water Department recognizes that there is additional work that needs to be done to develop features specific to Wichita water billing as defined by the City Council, enhance the product to take advantage of postal discounts and optimize the Bad Debt/Collection features beyond their current functionality to accommodate City requirements. Completion of the requested enhancements will allow the City to realize approximately \$100,000 yearly in postal discounts and implement Bad Debt features to resume turning delinquent accounts over for collection.

MAK Consulting was the vendor used for the system upgrade in 2002 and offer a support package that provides us a more robust support offering to address the necessary issues faced with processing 6,500 bills on a daily basis. The application code that MAK wrote made it possible to perform the following cost saving enhancements:

- ? A higher level of automation, thus reducing some hands on sections of existing business processes
- ? Capture lost revenue on multi-metered accounts
- ? Apply delinquent penalties
- ? Bill print postal sort
- ? Collection agency reporting

Postal cost avoidance alone was estimated to be approximately \$20,000 annually.

MAK consulting will be providing the support and enhancement professional services in lieu of the vendor, SCT Utility Systems.

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There are two additional postal related enhancements to this system that will result in more postage cost avoidance for the City, the following are a brief description of the services covered under this contract:

Removal of Post net Barcode from Bills which are Not zip + 4 Coded MAK Consulting will provide programming enhancements to remove the printing of the post net barcode from bills where not all of the elements of the address information are in alignment with required postal standards. The post net barcode is not correct if any one of these elements are incorrect: zip, plus 4, carrier route and delivery point. Additional savings would accrue to an average of 196 pieces daily for an average additional postage savings per day of \$14.504 plus an additional labor savings average of \$42.24 per day.

Move Address Line One Line Below Post net Barcode. Currently, the Post Office is honoring the zip + 4 post net rate on the majority of bills mailed. However, they have advised staff that the current separation between the post net barcode and the first line of the address is technically not in compliance with the postal 1/8 inch separation standard, and the rate applied could be changed to the standard rate if the Post Office's scanning equipment is not able to successfully scan any particular batch of mail. Hence, in order to increase tolerances and bring the mail piece design into technical compliance with Post Office standards, it is recommended that MAK Consulting develop the code necessary to move the first line of the address on the bill down one line to meet the 1/8 inch postal compliance.

The total cost of the above two items, including tax and expenses, will be \$8,172. The funding source would be provided from the original version upgrade project budget through MAK, which shows adequate funds available.

Funds are available in Water/Sewer charges to the Information Technology budget for the amount of the support contract, \$93,500. The Change Order for \$8,172, will be funded from the project budget (Project No. 544590).

Motion --
-- carried

Knight moved that the Agreement/Contract be approved; and the necessary signatures be authorized. Motion carried 6 to 0. (Pisciotta absent)

CHENEY

CHENEY WATERSHED DEMONSTRATION PROJECTS.

Agenda Report No. 02-2157

Cheney Reservoir is a major water source for Wichita currently providing approximately 60% of the City's annual water supply. On August 24, 1993, City Council approved the concept of assuming part of the cost-share necessary to allow landowners to implement "best management practices" in the watershed above the Reservoir.

Cheney Reservoir has two pollution problems: sedimentation and phosphates. Sediment washes into the Reservoir from erosion, displacing stored water, and is a major factor in determining the "life" of the Reservoir. Measurements of phosphates in the North Fork of the Ninnescah River and in the Reservoir indicate higher levels than desired for a water supply. High phosphates levels can lead to an increase in microscopic plant activity that increases taste and odor problems in water from the lake.

A Management Plan has been approved for the watershed that identifies "best management practices" (BMP) to help reduce pollution entering the reservoir. The Reno County Conservation District and the Citizens' Management Committee are responsible for implementing the recommendations in the Management Plan. The proposed Working Agreement promotes the use of BMPs and establishes procedures for payments to producers who implement the practices. The Plan addresses funding for construction of BMPs, demonstration projects, including terraces, grassed waterways, range and pasture seeding, riparian filter strips, and concrete drainage structures. Incentives are included to promote the use of alternate management techniques (nutrient management, conservation tillage, crop rotation, brush control, and planned grazing systems) and to convert land in the Conservation Reserve Program (CRP) to rangeland by installing water systems, fencing, and filter strips.

There are two alternatives that the City could pursue:

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1. Participate in these practices.
2. Do not participate in these practices, or reduce the amount of cost sharing that the City offers for participating in the practices.

Allocated funds may not be fully utilized during the fiscal year, as participation is voluntary. Most are also eligible for funding from an EPA 319 Grant that provides up to 60% of the cost of a BMP project. The City will match the 40% not covered by federal funds. Fencing projects around sites previously enrolled in the CRP are not eligible, but are eligible for 50% funding from the City, with 50% being paid by the landowner.

CIP W-500 (Cheney Watershed Protection Plan) has allocated \$200,000 in 2002, 2003, and 2004 for this effort. The maximum amount that the City could spend in FY 2003 for the City's share of the costs for all practices covered in this Working Agreement would not exceed \$49,100.

Motion -- Knight moved that the Agreements/Contracts be approved; and the necessary signatures be authorized.
-- carried Motion carried 6 to 0. (Pisciotta absent)

(Addendum Item 20A)

STREETSCAPE

AWARD OF CONTRACT: WEST DOUGLAS STREETSCAPE, SENECA TO MCLEAN BOULEVARD. (District IV)

Motion -- Knight moved that this Item be deferred until the January 14, 2003, meeting. Motion carried
-- carried carried 6 to 0. (Pisciotta absent)

CHENEY

CHENEY WATERSHED STAFF.

Agenda Report No. 02-2158

Cheney Reservoir is one of Wichita's major sources of water providing approximately 60% of Wichita's annual water supply. Since 1993, the City has participated in a program to encourage the implementation of projects that will reduce pollution entering the reservoir. Participation includes the concept of the City assuming part of the cost-share necessary to allow landowners to implement "best management practices" in the watershed. On October 13, 1998, City Council approved an MOU with the Citizens' Management Committee (CMC) to fund a public relations/education position to assist with the project. The MOU is renewable annually.

The Cheney Watershed Improvements project (over 500,000 acres in five counties) is one of the most successful of its kind in the nation, having received national awards. Over 2,300 projects have been completed in the watershed, and Staff believes that the completed work has resulted in a reduction in taste and odor events in the drinking water. Much credit for the success of the project can be attributed to the work of the CMC, which is composed of people who live and work in the watershed. The person funded through this MOU has been very successful in increasing interest in the watershed project, increasing the number of projects completed, and consequently, improving the water quality in the reservoir.

The cost of the position will not exceed \$36,500 for 2003. This year the Kansas Department of Health and Environment has offered to provide \$13,000 towards the cost with the City providing the remaining \$23,500. Funds are available in CIP W-500 (Cheney Watershed Protection Plan) that has \$200,000 allocated for 2003.

Motion -- Knight moved that the Memorandum of Understanding be approved and the necessary signatures be
-- carried authorized. Motion carried 6 to 0. (Pisciotta absent)

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CENTURY II

CONVENTION HALL LOGE/BLEACHER SEATING.

Agenda Report No. 02-2159

The existing retractable seating on the floor of Convention Hall, which was original equipment when the building was constructed, is outdated, requires considerable maintenance due to repeated use, and does not meet current standards for safety per the International Building Code (IBC) and handicapped accessibility per the Americans With Disabilities Act (ADA).

The City desires to hire an architectural firm to design a new set of retractable seating for Convention Hall to meet all current codes and standards. In designing the new seating, the architects will also design a sound-absorbing wall behind the seating to improve the acoustics of Convention Hall for performances. The architect's work will include preparing a set of bid documents that will be ready to present to contractors at a later date when additional funding is available in the Capital Improvement Program (CIP).

In order to save time, on October 29, 2002, the City issued a Request for Proposal (RFP) for architectural firms interested in providing these services. The deadline for receiving proposals was November 14, 2002. Two firms responded. They were PBA Architects and Schaeffer Johnson Cox Frey. The Staff Screening & Selection Committee selected Schaeffer Johnson Cox Frey as the consultant for this project based on their experience and lower stated fee.

The project is authorized in the 2002-2011 Capital Improvement Program (CIP) (PB-354002) (Project No. 435353, OCA 792383). \$50,000 is approved for design in 2002 and \$1,500,000 for construction in 2004.

Motion --
-- carried

Knight moved that the project and Contract be approved; the Resolution be adopted; and the necessary signatures be authorized. Motion carried 6 to 0. (Pisciotte absent)

RESOLUTION NO. 02-570

A Resolution authorizing the issuance of General Obligation Bonds of the City of Wichita, Kansas, in an amount not to exceed \$50,000 to pay all or a portion of the costs for the design of replacement bleacher seating for Convention Hall in Century II, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Pisciotte absent) Yeas: Brewer, Fearey, Gale, Lambke, Martz, Knight. (Pisciotte absent)

PLANEVIEW WATER PLANEVIEW WATER SYSTEM IMPROVEMENTS. (District III)

Agenda Report No. 02-2160

The 2003 adopted Water Utility Capital Improvement Program includes the Capital Improvement Program for improvements to the water system in the Planeview Subdivision.

Water mains were recently replaced and relocated on portions of Davidson, Pawnee, and Cessna Streets because the old mains were leak prone. The water mains were relocated from backyards into street rights-of-way where maintenance of the mains will be more convenient and less expensive. Authorized improvements include the installation of fifty-two (52) new consumer lines by a licensed plumber. All new consumer lines are to be metered, as previously some individual accounts were not. Metering the old flat rate accounts will reduce unaccounted for water and is a conservation measure recommended by the State of Kansas. The state's recommendation is included in the adopted Wichita Water Conservation Program.

The estimated cost is \$104,000 for the new consumer lines. The adopted 2003 budget for Planeview Consumer Line Improvements (CIP W-70) is \$180,000.

City Council approval is required for projects costing \$10,000 or more.

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Motion -- carried

Knight moved that the expenditure be approved and the Resolution be adopted. Motion carried 6 to 0. (Pisciotta absent)

RESOLUTION NO. 02-571

A Resolution of the City of Wichita, Kansas, declaring it necessary to construct, reconstruct, alter, repair, improve, extend and enlarge the water and sewer utility owned and operated by the City, and to issue Revenue Bonds in a total principal amount which shall not exceed \$180,000, exclusive of the cost of interest on borrowed money, for the purpose of paying certain costs thereof, and providing for the giving of notice of such intention in the manner required by law, presented. Martz moved that the Resolution be adopted. Motion carried 6 to 0. (Pisciotta absent) Yeas: Brewer, Fearey, Gale, Lambke, Martz, Knight. (Pisciotta absent)

EXIGENCY PROJECT PUBLIC EXIGENCY PROJECT, SANITARY SEWER REPAIRS. (District VI)

Agenda Report No. 02-2161

Sewer Maintenance discovered a leaking sanitary sewer at an aboveground creek crossing at Mosley, south of 21st Street North. A bridge abutment was constructed over and around the existing sanitary sewer, so a point repair to replace the pipe was not feasible. Lining the pipe with cured-in-place liner was recommended to fix the problem and to ensure that the entire creek crossing was sealed. Sewer Maintenance sealed the opening in the bridge abutment, and set up a temporary bypass pumping system in case required, to contain the leak until a contractor could line the pipe.

There are three pipe lining companies that generally bid on City projects and all are out-of-town contractors. Insituform Technologies had a crew in Kansas at the time and was able to line the pipe during the week that the leak was discovered. The City Manager approved proceeding with the project on December 3, 2002.

The cost to clean and line the pipe is \$13,600. Capital Improvement Program, Reconstruction of Sanitary Sewers (CIP #S-4) has a budget of \$3,500,000 for 2002. This repair will be funded from Sewer Utility Revenues and Reserves and/or a future revenue bond issue.

City Ordinance 2.64.020, "Public Exigency," authorizes the City Manager to approve work to be performed by a contractor without formal bidding.

Motion --carried

Knight moved that the exigency be affirmed. Motion carried 6 to 0. (Pisciotta absent)

WORKFORCE

WORKFORCE INVESTMENT ACT YOUTH SERVICES PROPOSALS.

Agenda Report No.02-2162

The Workforce Investment Act (WIA) provides federal funds to enable states and local areas to develop a unified training system and establish programs to assist youth and adults to enter or reenter the labor force. Under WIA each state is divided into local areas where private and public sector representatives are appointed to a local workforce investment board that is responsible for policy, program development, and oversight of programs operated within the area. Local Area IV includes Butler, Cowley, Harper, Kingman, Sedgwick, and Sumner counties and its local workforce investment board is the Workforce Alliance of South Central Kansas (WA). The City of Wichita is designated as the fiscal agent for Local Area IV WIA funds.

On September 27, 2002 a Request for Proposals (RFP) was released and advertised to solicit case management services and other Youth Program services authorized under WIA. To ensure seamless service to youth customers, the RFP design requires providers to be responsible for the youth from their initial recruitment through job placement and eighteen months of job retention. The case management and other youth services are to be provided under the supervision and management of the City's Career

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Development Office (CDO) and in a set fee for service format. Since the RFP does not require each proposer to provide all youth services that may be specified in a youth's individual employment plan, needed youth services not offered by a particular proposer will be provided by an approved WIA service provider and paid for directly by the CDO. Initial contracts with the providers would commence December 1, 2002 and terminate on June 30, 2004.

The City received five (5) proposals that met the conditions of the RFP but one proposer withdrew. The WA Youth Council evaluated the four (4) remaining proposals and the WA recommends that each of these proposals be funded. The proposing agencies include the Wichita Children's Home, Goodwill Industries Easter Seals of Kansas, Inc., United Methodist Youthville, Inc. and Job Readiness Training, Inc. The Wichita Children's Home Proposal serves 21 youth and offers case management services that total \$37,050 and other youth services that total \$85,554, for a maximum proposal cost of \$122,594. The Goodwill Industries Proposal serves 40 youth and offers case management services that total \$77,935 and other youth services that total \$72,000, for a maximum proposal cost of \$149,935. The United Methodist Youthville Proposal serves up to 60 youth and offers case management services that total \$36,900 and other youth services that total \$113,100, for a maximum proposal cost of \$150,000. The Job Readiness Training Proposal serves 30 youth and offers case management services that total \$95,550 and other youth services that total \$53,950, for a maximum proposal cost of \$149,500.

Contracts will be written with the four providing agencies that obligate a total of \$572,029 and serve a minimum of 141 youth. The City will use federal WIA funds to pay the costs of these four contracts and no general fund monies will be obligated.

Contracts initiated with the four proposers will be approved as to form by the Department of Law before the City Manager's signature is obtained.

Motion --
-- carried

Knight moved that the proposals and Contracts be approved; and the necessary signatures be authorized. Motion carried 6 to 0. (Pisciotte absent)

BUDGET

MUNICIPAL COURT.

Agenda Report No. 02-2163

For the past four years, the City has contracted with a collection agency for the recovery of outstanding debts from Municipal Court for which they receive twenty-two percent (22%) of the delinquent monies collected.

The 2002 Municipal Court budget included \$300,000 to fund collection expenses, assuming a total of \$1.35 million in revenue would be collected. Current projections are that in 2002 there will be approximately \$1.5 million collected by the City's contractor resulting in contracted payments of \$325,035.

Increased contractual expenditures for collection services are offset by additional Court revenue. Presumably this revenue would not have been collected were it not for the efforts of the collection agency.

City Council action is necessary for transfers over \$10,000.

Motion --
-- carried

Knight moved that the transfer of \$25,035 from other Municipal Court Department under-expended account appropriations, excluding personal services, be approved. Motion carried 6 to 0. (Pisciotte absent)

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BUDGET

ART MUSEUM.

Agenda Report No. 02-2164

The Wichita Art Museum has experienced lower than budgeted costs in personal services. This is due to the fact that several positions have remained intentionally vacant during the Museum's closure. However, since these positions will be necessary for re-opening, the Museum was advised that all positions, including the vacancies, must be included within the 2002 budget appropriation. Therefore, actual salary expenses are significantly under the appropriated budget amount.

It is requested to authorize a transfer of \$200,000 from personal services to contractuals. The budget adjustment does not alter the intended purpose or total authorized expenditures within the department. Approval is requested to make the transfer within the Museum budget between accounts to accommodate the temporary shift in expenses due to closure.

The Wichita Art Museum's adopted budget is based on full staffing levels. Since several positions remain vacant, the budgeted amount creates personal services savings, which can be transferred to cover contractual expenses that the Museum incurs on behalf of the City for the "custody, care, ownership, management, preservation and presentation of the collection," as indicated in the will of Louise C. Murdock.

The transfer of budget appropriation to contractuals is offset by savings in personal services.

City Council action is necessary for transfers over \$10,000.

Motion --
-- carried

Knight moved that the transfer of \$200,000 from personal services to contractuals be approved. Motion carried 6 to 0. (Pisciote absent)

BUDGET

GILBERT AND MOSLEY.

Agenda Report No.02-2165

On June 6, 2002, KDHE notified the City of Wichita, that a domestic water well located at 1632 S. Greenway was in use for drinking water purposes and contaminated with chlorinated solvents from the Gilbert and Mosley site. In cooperation with KDHE, the City was directed by KDHE to provide water to this residence. The City responded by installing a water filtration system to the water well as an interim measure until public water supply service could be extended.

The residence was connected to public water supply on November 7, 2002.

The provision of water to a residence within the Gilbert & Mosley site is a TIF allocable cost that will require a budget adjustment.

The cost of the water lateral extension to the area is \$12,330.82.

The Law Department has indicated that TIF funds are eligible for this purpose.

Motion --carried

Knight moved that the budget adjustment be approved.

(Addendum No. 26A)
BUDGET

BUDGET ADJUSTMENTS FOR SEWER PROJECT.

Agenda Report No. 02- 2086A

On December 10, 2002, the City Council approved the Kellogg/Woodlawn Interchange funding increase. An Ordinance and Resolutions were adopted to accomplish the necessary increase.

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The bonding authority Resolutions were for the correct amount (\$580,000) necessary for the Sewer Utility portion; however, the agenda report stated the incorrect amount of \$554,000.

The funding amount in the previous agenda report (copy attached) for the Sewer Utility, \$1,504,000, is correct. An increase in budget authority of \$580,000, as stated in the Bond Resolution, rather than \$554,000, as stated in the agenda report, is necessary.

The previous Resolution is correct and no additional Resolution is required.

Motion --carried

Knight moved that the CIP adjustments be approved. Motion carried 6 to 0. (Pisciotta absent)

(Addendum No. 26B)

BUDGET

BUDGET ADJUSTMENTS FOR WATER AND SEWER PROJECTS.

Agenda Report No. 02-2202.

On November 19, 2002, the City Council approved W-869, Maize, 29th to 37th, with a budget of \$340,000.

The sewer portion of the project is being funded from S-5, Mains for Future Development. Funds for the Maize sewer line are included in the 2003 CIP, which has not yet been submitted to the City Council.

In order to facilitate the project and to avoid disturbing newly paved bicycle paths, the City is acquiring separate utility easements.

The current budget for W-869 requires an increase of \$60,000 to purchase the easement. These funds can be transferred from W-65, which currently has \$2 million available.

There is currently \$275,000 available in 2003 S-5 and \$145,000 available in 2001 S-5. The remaining \$180,000 can be transferred from 2002 S-4, which has \$240,000 available.

The current CIP budget will not be increased. The 2003 proposed CIP will provide additional funding for sewer mains for future development.

Motion --carried

Knight moved that the CIP adjustments be approved. Motion carried 6 to 0. (Pisciotta absent)

DEPOSIT

DEPOSIT FOR WATER DEPARTMENT SALES TAX CASE.

Agenda Report No. 02-2166

In 1994, the Kansas Department of Revenue ("KDOR") audited sales and compensating use tax payments by the City's water utility. In April of 1996, KDOR sent the City an assessment for \$347,567 in tax, plus interest. The City has been litigating the assessment as excessive, particularly in that if the City were allowed exemption on the same terms as the exemption the courts upheld for Johnson County Water District No. 1, the City's sales taxes would be substantially overpaid for the audit period. The Kansas Court of Appeals ruled in 2001 that the City should be treated the same as Johnson County Water District No. 1, but the Kansas Supreme Court reversed that decision on December 6, 2002. As a result of the disparate tax treatment allowed by the new ruling, the City's taxes are underpaid for the audit period, leaving the City at risk of interest.

K.S.A. 75-5153 allows a taxpayer to deposit funds against potential tax and interest liabilities to stop accumulation of additional interest on the amount of tax that is deposited with interest to the date of deposit. It is difficult to estimate with precision the deposit that will cover all sums finally adjudicated, and if the amount deposited is insufficient to cover the liability finally adjudicated, a balance will be

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due. Conversely, if the amount deposited is in excess of the liability finally adjudicated, the excess may be recovered.

Because the rate of interest imposed by statute is abnormally high in relation to market rates (i.e., is actually a penalty), it is in excess of the interest the City can reasonably expect to earn by retaining and investing its funds. Accordingly, it makes sense for the City to submit a deposit to limit the accrual of additional interest at the statutory rates. Funds for the deposit are available from .

Law Department has reviewed the issues in the two cases that resulted from the 1996 assessments, and believes the amount recommended for deposit is reasonable as a deposit to limit accrual of additional interest for liabilities that might be finally adjudicated in these cases..

Motion --
-- carried

Knight moved that the deposit with KDOR to be made from contingency funds in the Water Department budget, in an amount up to \$288,223, be approved. Motion carried 6 to 0. (Pisciotta absent)

PROPERTY ACQ.

ACQUISITION OF 3127 EAST MAPLEWOOD. HILLSIDE IMPROVEMENT, BETWEEN 17TH AND 21ST STREETS. (District I)

Agenda Report No. 02-2167

The Hillside Improvement Project, between 17th and 21st Streets, was approved for design and right-of-way acquisition by the City Council on May 21, 2002. The project will require the acquisition of 15 tracts. One of the properties is owned by Graham and Carolyn E. Cain. The property is located at 3127 East Maplewood and is improved with a 995 square foot frame house on a 6,870 square foot site. The planned improvements will require the removal of the improvements and utilization of the site.

The property was valued at \$37,000. The owner has agreed to sell for this amount. The owner has relocated and the site will be processed for demolition.

Funds have been budgeted in the Capital Improvement Program for acquisitions for this project. The funding source will be General Obligation Bonds paid by local sales tax revenues. A budget of \$ 58,350 is requested. This includes \$37,000 for the acquisition, \$ 4,000 for demolition, \$ 14,350 for moving and relocation and \$2,000 for closing costs and title insurance.

Motion --
-- carried

Knight moved that the budget and the Contract be approved; and the necessary signatures be authorized. Motion carried 6 to 0. (Pisciotta absent)

PROPERTY ACQ.

ACQUISITION OF 1927 NORTH HILLSIDE: HILLSIDE IMPROVEMENT, BETWEEN 17TH AND 21ST STREETS. (District I)

Agenda Report No. 02-2168

The Hillside Improvement Project, between 17th and 21st Streets, was approved for design and right-of-way acquisition by the City Council on May 21, 2002. The project will require the acquisition of 15 tracts. One of the properties is owned by Rufus J. Shaw. The property is located at 1927 North Hillside and is improved with a 796 square foot frame house on a 6,803 square foot site. The planned improvements will require the removal of the improvements and utilization of the site.

The property was valued at \$27,500. The owner has agreed to sell for this amount. The owner will be relocated and the site will be processed for demolition.

Funds have been budgeted in the Capital Improvement Program for acquisitions for this project. The funding source will be General Obligation Bonds paid by local sales tax revenues. A budget of \$ 47,200 is requested. This includes \$ 27,500 for the acquisition, \$ 4,000 for demolition, \$ 13,700 for moving and relocation and \$2,000 for closing costs and title insurance.

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Motion --
-- carried

Knight moved that the budget and the Contract be approved; and the necessary signatures be authorized. Motion carried 6 to 0. (Pisciotta absent)

(Addendum No. 28c)
PROPERTY ACQ.

ACQUISITION OF SEWER EASEMENTS FOR MAIN 6, NORTHWEST INTERCEPTOR SEWER. (District V)

Agenda Report No.

The City Council adopted a Resolution on January 25, 2000 declaring it necessary to construct, improve, extend, and enlarge the water and sewer utility owned and operated by the City. Fulfillment of this Resolution requires easements on tracts of land located adjacent to and north of 29th Street North between 119th Street West and Tyler Roads. The easements will be used for the installation of a 12-inch sewer line.

The easements contain approximately 4.0 acres and will not affect any improvements. Allowance for minimal crop and tree loss has been included in the compensation. A negotiated value of \$ 50,500 has been reached with 3 owners.

The budget of \$52,000 includes \$50,500 for the acquisition and \$1,500 for closing and title work. The acquisition will be funded from sewer utility funds.

Motion --
-- carried

Knight moved that budget, and the easements be approved; and the necessary signatures be authorized. Motion carried 6 to 0. (Pisciotta absent)

(Addendum No. 28d)
PROPERTY ACQ.

ACQUISITION OF WATER EASEMENTS AT NORTH MAIZE ROAD. (District V)

Agenda Report No. 02-

The City Council adopted a Resolution on January 25, 2000 declaring it necessary to construct, improve, extend, and enlarge the water and sewer utility owned and operated by the City. Fulfillment of this Resolution requires easements on tracts of land located on Maize Road north of 29th Street North. The easements will be used for the installation of a 20-inch water line.

There are four easements containing approximately 2.0 acres. The easements will not affect any improvements. Allowance for minimal crop and tree loss has been included in the compensation. A negotiated value of \$30,000 has been reached with 4 owners.

The budget of \$ 31,500 includes \$ 30,000 for the acquisition and \$1,500 for closing and title work. The acquisition will be funded by water utility funds.

Motion --
-- carried

Knight moved that budget, and the easements be approved; and the necessary signatures be authorized. Motion carried 6 to 0. (Pisciotta absent)

PROPERTY ACQ

ACQUISITION OF FEDERAL INTEREST IN FORMER WICHITA METROPOLITAN TRANSIT AUTHORITY GARAGE FACILITY - 1825 SOUTH MCLEAN.

Agenda Report No. 02-2169

The former Wichita Metropolitan Transit Authority (WMTA) garage facility at 1825 South McLean Boulevard is presently being renovated for the Water and Sewer Department's use. The Federal Transit Administration (FTA) still has a 67% interest in the old facility (prior to renovations). The facility was appraised at \$150,000, or a federal interest of \$100,500. After numerous attempts to acquire this facility outright, without reimbursing the Federal government, all options tried were deemed not eligible under federal guidelines.

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The City can retain title of the facility, and get a release of all federal interest, through a direct payment of \$100,500 to the U.S. Government. Upon official action by the City Council, a letter and accompanying payment to FTA requesting the release would be submitted. FTA will then notify the City of its approval, and release final federal interest of the McLean facility.

Savings in the local contributions from the General Fund to transit operations are expected to offset this expense.

The buy-out of the federal interest in this property will clear title.

Motion --
-- carried

Knight moved that the budget and the Contract be approved; and the necessary signatures be authorized. Motion carried 6 to 0. (Pisciotte absent)

FIRE APPARATUS

FIRE APPARATUS REPLACEMENT.

Agenda Report No. 02-2170

The Fire Department heavy equipment fleet consists of thirty-two pieces of equipment, including three aerials, two aerial platforms, sixteen engines (pumpers), six quints, one heavy rescue, two mobile air trucks, one tender, and one hazardous materials truck. With an average service life ranging from ten to twenty years, several pieces of equipment must be replaced each year in order to maintain fire protection capabilities and keep the fleet current.

Many of the existing heavy fire apparatus have nearly exceeded their useful life. As breakdowns and service needs become more frequent, reserve apparatus are forced into service more often. The 2002-2011 Capital Improvement Program (CIP) provides for the replacement of at least twelve pieces of heavy fire apparatus from 2002 through 2006 (five years).

The City's Request for Proposal (RFP) was developed by the Apparatus Specification Committee, a committee formed to research and design the specifications for an engine, a quint, and an aerial platform. The apparatus committee was chaired by a Battalion Chief from the Fire Department, and included field staff representing all shifts and ranks.

In June 2002, the City released a Request for Proposal (RFP) for replacement fire apparatus, due July 12. Addendums to the RFP were released on July 3 and July 18. The first addendum moved the opening date back two weeks, to July 26. The second addendum moved the opening date back an additional 13 days, to August 8, and relaxed the proposal requirements to allow vendors to submit their proposals in their own format, rather than the prescribed format originally requested.

The City received five responses to the RFP. The five vendors responding were Central States, Emergency One, Luverne, Pierce, and Seagrave. A Staff Screening and Selection Committee consisting of staff from the Fire Department, Finance Department, and Public Works Department evaluated the proposals. Evaluation criteria (and their weights) included specification criteria (25 percent), product quality and support (40 percent), pricing (20 percent), delivery (5 percent), and management plan and capacity (10 percent).

The Selection Committee evaluated all products based on their life cycle cost. Since fire apparatus are expected to be used for ten to twenty years (first as front line apparatus and later as reserves), the initial purchase price is only a part of the evaluation procedure. The Committee members first evaluated the fire proposals separately, and then as a group. After careful examination and comparison of the various manufacturer's products, Pierce Manufacturing was selected. The proposal is to purchase one pumper (engine) for \$376,333, two aerial platforms for \$745,680 per truck, and two ladder trucks (quints) for \$572,643 per truck. Options are also available for up to five years for additional vehicles as may be required to meet operational and capital planning requirements.

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Just a few of the specific advantages to Pierce trucks include:

- Single-source manufacturer. As a single-source manufacturer, there is no split responsibility for warranty parts or repairs. City mechanics will not have to call several different manufacturers to obtain technical assistance or repair parts.
- Independent front suspension. The Pierce trucks are the only trucks offering fully independent front suspension, reducing stopping distance and increasing driver control on every road surface. Safety is increased for those in the truck and for other vehicles on the road.
- Multiplexed electrical system. Pierce has the most advanced electrical system, one that offers the greatest safety capabilities and is the simplest to repair. For example, several safety sensors on Pierce ladders are not possible on other brands, due to the limitations of their electrical systems.
- Customer support. Customer service is available 24 hours per day, 7 days per week, and Pierce keeps a build file on every apparatus, allowing City mechanics to get answers to their questions at any time.

Review of Process, Specifications, and Requirements: Due to the substantial investment now and over the next five years, the City contracted with TriData Corporation to conduct an independent review of the process, specifications, and requirements used to select the replacement apparatus. TriData last worked for the City when they completed the Fire Station Location Study. The five replacement fire stations currently under construction are a result of that study. The new stations are expected to be open in the Spring of 2003.

TriData concluded that the process employed by the City of Wichita in developing specifications was thorough, comprehensive, and responsible. The Apparatus Committee was concerned about the safety of Wichita's citizens and firefighters. The Committee took into account the need to have front-line apparatus available as often as possible. They also were looking into the future, seeking technology that would not become obsolete.

TriData also took note of the Selection Committee's examination of the five proposals from various manufacturers, and of the value derived from buying Pierce equipment. TriData noted that the Selection Committee was favorably impressed with Pierce's use of technology, and the quality and long life of materials and engineering going into the truck. TriData noted that several of their other clients use Pierce equipment, and have reported satisfaction in performance, maintenance, and support. Although not specifically mentioned by TriData, recent Sedgwick County Fire District purchases have been Pierce trucks.

Finally, TriData commented on the thoroughness of the City of Wichita process. The report notes that the City "...took the two Committees' commendable efforts one step further by requesting an independent review of the process." Based on TriData's independent review of the proposals received by the City of Wichita, "TriData is confident in suggesting that the City will receive an excellent product from Pierce that will meet the City's needs now and into the future. TriData is equally confident in saying the process employed by the City has been responsible, honest, and comprehensive."

The total cost of replacement heavy fire apparatus and related equipment is expected to be \$10,639,000 over the five years from 2002 through 2006. The funding source is expected to be General Obligation (GO) bonds. A bonding resolution for the 2002 and 2003 allocations (totaling \$3,313,000) was approved by the City Council on May 21, 2002.

The Law Department will review and approve the purchase contract as to form.

Motion --
-- carried

Knight moved that the purchase be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Pisciotta absent)

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GO BOND/NOTE SALE GENERAL OBLIGATION TEMPORARY NOTE SALE (SERIES 207) AND BOND SALE (SERIES 772 AND 773).

Agenda Report No. 02-2171

The City is planning to offer for sale one series of general obligation temporary notes totaling \$90,700,000 and two series of general obligation bonds estimated not to exceed \$28,760,000 for the purpose of providing temporary and permanent financing for capital improvement projects of the City. The public sale of the aforementioned bonds and notes is scheduled for 10:30 a.m. on January 14, 2003, at which time sealed bids will be opened and the City Council will award the sale of each series of bonds and notes to the bidders whose proposed interest rates will result in the lowest overall cost to the City.

The City's Winter 2003 general obligation bond and note sale includes the following issues:

Temporary Notes

The proceeds from the sale of the Series 207 Temporary Improvement and Renewal Notes will be used to provide interim financing for various City-at-large and improvement district projects:

Series 207

Project Category	Total
Arterial Paving	2,832,000
Bridges	59,000
Public Improvements	16,528,675
Park Improvements	53,000
Neighborhood Improvements - Water	2,986,000
Neighborhood Improvements – Sewers	5,461,800
Neighborhood Improvements - Storm Sewer	3,264,000
Neighborhood Improvements - Paving	14,000,825
Storm Sewer Utility Improvements	514,700
Freeways	45,000,000
TOTAL SERIES 207 NOTES	\$90,700,000

“Special Assessment Bonds”

The proceeds from the sale of Series 772 Bonds will be used to permanently finance various neighborhood improvements located in special improvement districts. Special assessments have been levied against the property owners in the improvement districts for the purpose of paying all or a portion of the costs of such improvements, including the payment of principal and interest on Series 772 Bonds. The Special Assessment Bonds will be issued in an amount not to exceed \$15,420,000.

“City-At-Large Bonds”

The proceeds from the sale of Series 773 Bonds will be used to permanently finance certain City-at-large projects, including arterial streets, bridges, public improvements and buildings, park improvements, and neighborhood paving projects, sanitary sewer, storm sewer, sewer utility improvements and golf course improvements. City-at-large Bonds will be issued in the total par amount of \$13,340,000.

Beginning in 2001, the sale of bonds and notes are awarded based on the bid with the lowest true interest cost, or “TIC”. Using TIC to calculate the bids, accounts for the time value of money. The TIC is the rate that will discount all future cash payments so that the sum of their present value will equal the bond proceeds. Further, using the TIC calculation can potentially result in a municipality saving money because TIC does not ignore the timing of interest payments.

The Series 207 Temporary Notes will mature on August 21, 2003 and will be retired using the proceeds of both permanent financing bonds and renewal notes.

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Series 772 Special Assessment Bonds will mature serially over 15 years with principal maturities structured to produce level annual payments of principal and interest. The Series 772 Bonds are payable from the collection of special assessments levied against benefited properties, and if not so paid, from city-wide ad valorem taxes. The special assessment bonds will be callable in 2010 with a 1% call premium.

Series 773 City-at-large bonds will mature serially over 10 years in equal principal amounts and will be paid as to principal and interest primarily from city-wide ad valorem tax revenues. The City-at-large bonds will be callable in 2008 with a 1% call premium.

The Law Department has approved the Resolution authorizing the sale of the series of temporary notes and the series of bonds and will direct the publication and distribution of the Notices of Bond and Note Sale (prepared by the City's Bond Council as required by law).

Motion --

-- carried

Knight moved that the Resolution authorizing general obligation bond and note sales be adopted; the submittal of the Preliminary Official Statement upon completion, be approved; and the publication of the Notices of Sale be authorized. Motion carried 6 to 0. (Pisciotte absent)

RESOLUTION NO. 02-572

A Resolution of the City of Wichita, Kansas, authorizing and providing for the public sale of General Obligation Renewal and Improvement Temporary Notes, Series 207 and General Obligation Bonds, Series 772 and 773, of the City; and providing for the giving of notice of the public sale, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Knight. (Pisciotte absent)

JUDGMENT PMT.

PAYMENT OF JUDGMENT IN CONDEMNATION APPEAL.

Agenda Report No. 02-2172

In October 2001, the City acquired, by eminent domain, right-of-way for use in the reconstruction of West Kellogg between Maize Road and 119th Street. The court appointed appraisers awarded Blasi Tire Center, Inc., the owner of the property at 11209 West Kellogg, \$734,000 for the right-of-way taken by the City. The landowner appealed and after a jury trial was awarded additional compensation in the amount of \$16,000.

The City is obligated to pay a judgment to the landowner in the amount of \$16,000, together with interest from October 12, 2001.

The cost of this judgment is part of the project cost for the improvements to West Kellogg from Maize Road to 119th Street West.

The eminent domain matter is finally concluded and the City has been ordered by the court to pay the landowner an additional judgment of \$16,000 plus interest.

Motion --

-- carried

Knight moved that the payment to the landowner in the amount of \$17,310.61, together with interest at the rate of \$2.30 per day for each day after December 2, 2002, be authorized. Motion carried 6 to 0. (Pisciotte absent)

STORM WATER RATE AMENDED STORM WATER RATE RESOLUTION.

Agenda Report No. 02-2173

The Storm Water Utility, established in February 23, 1993, by City Council Resolution No. R-93-046, constructs, reconstructs and maintains the City's storm water drainage system including storm sewers, catch basins, streams and drainage-ways. The Utility is also required to ensure the City's compliance with water quality provisions of the National Pollutant Discharge Elimination System (NPDES).

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Storm Water maintenance crews clean and maintain 400 miles of storm sewers, 15,000 catch basins and 130 miles of drainage ditches annually. The Utility operates and maintains six pump stations that move excess water in times of heavy rains or flooding. The Utility is also responsible for the design and construction of projects approved in the Capital Improvement Program.

The Storm Water Utility is funded with fees paid by property owners in the City. The fee is determined by the number of equivalent residential units (ERU). One ERU is the average amount of impervious area (rooftops and pavement) for a typical residence. The fee for all single-family dwellings is based on one ERU and business and industrial sites are based upon the number of ERUs on the property.

When the Storm Water Utility was first formed the rate was \$1.66/ERU. On July 11, 1995, the City Council approved a reduction in the Storm Water Utility fee from \$1.66/ERU to \$1.21 per ERU. On August 10, 1999, the City Council approved the ERU rate increase of \$0.06 (\$1.27/ERU). On August 15, 2000, the City Council approved an ERU rate increase of \$0.05 (\$1.32/ERU). December 11, 2001, the City Council approved Resolution No. R-00-453 increasing the ERU rate to \$1.35/ERU.

The adoption of the 2003 and 2004 Budgets in August 2002 included a cessation of the General Fund subsidy to the Utility to be phased out over a three-year period at the rate of \$171,500 each year. The revenue would be recovered by the Utility through a five-cent annual increase in the ERU (\$1.40/ERU)

The increase of \$0.05 in the Storm Water Utility ERU rate is required to phase-out the annual General Fund subsidy. This increase of \$0.05 will decrease the General Fund subsidy from \$514,500 in 2002 to \$343,000 in 2003. The long-term goal is to eliminate the subsidy by 2005.

RESOLUTION NO. 02-575

A Resolution amending Section 2 of the Resolution No. R-01-501 pertaining to the ERU Rate for the Storm Water Utility and repealing the original of said section, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Pisciotta absent) Yeas: Brewer, Fearey, Gale, Lambke, Martz, Knight. (Pisciotta absent)

IRB - HOMESTEAD

HOMESTEAD HEALTH CENTER TERMINATION AND RELEASE.

Agenda Report No. 02-2174

On December 10, 2002, the City Council adopted a bond ordinance authorizing the issuance of \$780,000 Health Care Facilities Refunding Revenue Bonds for the Homestead Health Center, a skilled nursing care and assisted living facility located on South Elizabeth in southwest Wichita. The bond issue provides refinancing of prior IRB financing, resulting in interest cost savings. To accommodate the closing of the refunding bond issue, the City needs to terminate certain documents related to the prior bond issue.

In order to complete the legal proceedings, the lien of the prior bonds must be eliminated from the Homestead Health Care property, so that the property can be encumbered with the lien of the new bonds. Specifically, documents terminating and releasing the Series 1994 Lease and the Series 1994 Trust Indenture must be executed and recorded.

There are no financial considerations.

Bond Counsel has prepared a Termination and Release of 1994 Lease and Termination and Release of 1994 Indenture.

Motion --
-- carried

Knight moved that the Resolution approving the Termination and Release of 1994 Lease and Termination and Release of 1994 Indenture be adopted.

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RESOLUTION NO. 02-576

A Resolution of the City of Wichita, Kansas, authorizing execution of a termination and release of 1994 Lease between the City and Homestead Health Center, Inc. and termination and release of 1994 Indenture between the City and Intrust Bank, N.A., Wichita, Kansas, as Trustee, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Pisciote absent) Yeas: Brewer, Fearey, Gale, Lambke, Martz, Knight.

CONDEMNATION

RESOLUTIONS – FOR REPAIR OR REMOVAL OF DANGEROUS AND UNSAFE STRUCTURES.

Agenda Report 02-2175

On December 2, 2002 the Board of Code Standards (BCSA) held a hearing on the following three (3) properties. These properties are considered dangerous and unsafe structures, and are being presented to schedule a condemnation hearing before the Governing Body.

Improvement notices have been issued on these structures, however, compliance has not been achieved. Pre-condemnation and formal condemnation letters were issued and the time granted has expired. No action has been taken to repair or remove these properties.

	<u>Property Address</u>	<u>Council District</u>
1)	2128 South Santa Fe (Garage)	III
2)	2512 East Mossman	I
3)	1158 North Ash	I

These structures have defects that under Ordinance No. 28-251 of the Code of the City of Wichita, shall cause them to be deemed as dangerous and unsafe buildings, as required by State Statute for condemnation consideration.

Motion --

Knight moved that the Resolutions placing this matter on the agenda for a Hearing before the Governing body on February 4, 2003, at 9:30 a.m., or soon thereafter, be adopted. Motion carried 6 to 0. (Pisciote absent)

-- carried

RESOLUTION NO. 02-577

A Resolution fixing a time and place and providing for notice of a hearing before the Governing Body of the City of Wichita, at which the owner, his agent, lienholders of record and occupants of the structure located on land described as: Lots 14-15, Herring's Sub. Wichita, Sedgwick County, Kansas, known as 2128 South Santa Fe (Garage), in said City may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous or unsafe structure, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Pisciote absent) Yeas: Brewer, Fearey, Gale, Lambke, Martz, Knight. (Pisciote absent)

RESOLUTION NO. 02-578

A Resolution fixing a time and place and providing for notice of a hearing before the Governing Body of the City of Wichita, at which the owner, his agent, lienholders of record and occupants of the structure located on land described as: as the west 26 ft. of the south ½ of Lot 7, and the east 26 ft. of the south ½ of Lot 8, on Frisco now 9th Street, Mossman's Addition, to the City of Wichita, Sedgwick County, Kansas, known as 2512 East Mossman, in said City may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous or unsafe structure, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Pisciote absent) Yeas: Brewer, Fearey, Gale, Lambke, Martz, Knight.

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RESOLUTION NO. 02-579

A Resolution fixing a time and place and providing for notice of a hearing before the Governing Body of the City of Wichita, at which the owner, his agent, lienholders of record and occupants of the structure located on land described as: Lot 2, 4, and 6 Norris Subdivision of Lot 3, Tarleton's Second Addition of out Lots to Wichita, Sedgwick County, Kansas, known as 1158 North Ash, in said City may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous or unsafe structure, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Pisciotte absent) Yeas: Brewer, Fearey, Gale, Lambke, Martz, Knight.

ORDINANCES

SECOND READING CHARTER ORDINANCE: (FIRST READ DECEMBER 10, 2002)

- a) Charter Ordinance - Police and Fire Retirement System:

CHARTER ORDINANCE NO. 195

A Charter Ordinance of the City of Wichita, Kansas amending Charter Ordinance No. 194 relating to the Police and Fire Retirement System of the City of Wichita and repealing the original of said Charter Ordinance, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. (Pisciotte absent) Yeas: Brewer, Fearey, Gale, Lambke, Martz, Knight. (Pisciotte absent)

SECOND READING ORDINANCES: (FIRST READ DECEMBER 10, 2002)

- a) Industrial Revenue Bonds – Bombardier Learjet. (District V)

ORDINANCE NO. 45-515

An Ordinance authorizing the City of Wichita, Kansas, to issue its Taxable Industrial Revenue Bonds in the aggregate principal amount not to exceed \$6,000,000 for the purpose of providing funds to purchase, acquire, construct and equip improvements and additions to certain existing facilities located in the City of Wichita, Kansas; prescribing the form and authorizing execution of a Sixth Supplemental Trust Indenture by and between the City and Intrust Bank, N.A., Wichita, Kansas, as Trustee with respect to the Bonds; prescribing the form and authorizing the execution of a Sixth Supplemental Lease Agreement by and between Learjet Inc. and the City; approving the form of a Guaranty Agreement; and authorizing the execution of a Bond Purchase Agreement by and between the City and Learjet Inc., as purchaser of the Bonds, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. (Pisciotte absent) Yeas: Brewer, Fearey, Gale, Lambke, Martz, Knight. (Pisciotte absent)

- b) Industrial Revenue Bonds – Cessna Aircraft Company. (Districts III and V)

ORDINANCE NO. 45-516

An Ordinance authorizing the City of Wichita, Kansas, to issue its Taxable Industrial Revenue Bonds, Series VIII, 2002 (Cessna Aircraft Company) in the Aggregate Principal amount of not to exceed \$95,000,000 for the purpose of purchasing, acquiring constructing and installing an industrial and commercial facility; authorizing execution of an Twelfth Supplemental Trust Indenture by and between the City and Intrust Bank, N.A., Wichita, Kansas, as Trustee with respect to the Series VIII, 2002 Bonds; authorizing the City to lease said project to Cessna Aircraft Company; authorizing the execution of an Twelfth Supplemental Lease by and between the City and Cessna Aircraft Company; authorizing the execution of a Bond Purchase Agreement by and between the City and Cessna Aircraft Company, as purchaser of the Bonds; and authorizing execution of a Bill of Sale, Termination and Release of First Supplemental Lease and Cancellation, Discharge and Release of First Supplemental Trust Indenture, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted.

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Motion carried 6 to 0. (Pisciotte absent) Yeas: Brewer, Fearey, Gale, Lambke, Martz, Knight. (Pisciotte absent)

- c) Industrial Revenue Bonds – Cox Communications, Inc. (District II)

ORDINANCE NO. 45-517

An Ordinance of the City of Wichita, Kansas, authorizing the issuance of \$6,645,000 Aggregate Principal Amount of Taxable Industrial Revenue Bonds, Series IV, 2002, (Cox Communications Project) for the purpose of providing funds to purchase, acquire, construct and equip a customer service call center; prescribing the form and authorizing execution of a Trust Indenture by and between the City and Intrust Bank, N.A., as Trustee with respect to the Bonds; prescribing the form and authorizing the execution of a Lease Agreement by and between the City and Cox Communications, Kansas, LLC; approving the form of a Guaranty Agreement; authorizing the execution of a Bond Placement Agreement by and between the City and Cox Communications, Kansas LLC, as purchaser of the Bonds, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. (Pisciotte absent) Yeas: Brewer, Fearey, Gale, Lambke, Martz, Knight. (Pisciotte absent)

- d) Industrial Revenue Bonds – The Coleman Company, Inc. (Districts I and II)

ORDINANCE NO. 45-518

An Ordinance authorizing the City of Wichita, Kansas, to issue Taxable Industrial Revenue Bonds, Series IX, 2002 (The Coleman Company, Inc), in the Aggregate Principal Amount of not to exceed \$13,525,000 for the purpose of providing funds to purchase, acquire, construct and equip improvements and additions to certain existing facilities located in the City of Maize, Kansas and the City of Wichita, Kansas; prescribing the form and authorizing execution of a Ninth Supplemental Trust Indenture by and between the City and BNY Trust Company of Missouri, as Trustee, with respect to the Bonds; prescribing the form and authorizing execution of a Ninth Supplemental Lease Agreement by and between the City and The Coleman Company, Inc.; approving the form of a Guaranty Agreement, authorizing the execution of a Bond Purchase Agreement by and between the City, and the Coleman Company, Inc., as purchaser of the Bonds, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. (Pisciotte absent) Yeas: Brewer, Fearey, Gale, Lambke, Martz, Knight. (Pisciotte absent)

- e) Old Town Cinema Redevelopment Project Plan. (District VI)

ORDINANCE NO. 45-519

An Ordinance adopting a Redevelopment Project Plan for the Old Town Cinema Redevelopment District, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. (Pisciotte absent) Yeas: Brewer, Fearey, Gale, Lambke, Martz, Knight. (Pisciotte absent)

- f) Kellogg/Woodlawn Interchange. (District II)

ORDINANCE NO. 45-520

An Ordinance of the City of Wichita, Kansas, amending Sections 3 and 5 of Ordinance No. 44-481 of the City, in order to restate estimated cost of improvements and the manner of payment of said improvements, therein authorized, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. (Pisciotte absent) Yeas: Brewer, Fearey, Gale, Lambke, Martz, Knight. (Pisciotte absent)

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- g) Amendment regulating insurance requirements for Heliports.

ORDINANCE NO. 45-521

An Ordinance amending Section of the Code of the City of Wichita, Kansas, pertaining to the insurance required for the operation and maintenance of a Heliport within the City Limits of the City of Wichita; and repealing the original thereof, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. (Pisciotta absent) Yeas: Brewer, Fearey, Gale, Lambke, Martz, Knight. (Pisciotta absent)

- h) Amendment of Industrial Revenue Bond Documents – KBP Reprographics. (District I)

ORDINANCE NO. 45-522

An Ordinance prescribing the form and authorizing execution of a First Supplemental and 'Amending Trust Indenture by and between the City and Intrust Bank, N.A., Wichita, Kansas, as Trustee with respect to the City of Wichita, Kansas, Taxable Industrial Revenue Bonds, Series VII, 2001 (KBP Reprographics, Inc.), read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. (Pisciotta absent) Yeas: Brewer, Fearey, Gale, Lambke, Martz, Knight. (Pisciotta absent)

- i) Dog license.

ORDINANCE NO. 45-523

An Ordinance amending Sections of 6.04.150 of the Code of the City of Wichita, Kansas, pertaining to License for keeping a dog, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. (Pisciotta absent) Yeas: Brewer, Fearey, Gale, Lambke, Martz, Knight. (Pisciotta absent)

- j) Salary and position classification Ordinance.

ORDINANCE NO. 45-524

An Ordinance establishing position classifications for employees of the City of Wichita and prescribing pay rates by reference to position classifications in the schedule of pay ranges amending Ordinance No. 45-350, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. (Pisciotta absent) Yeas: Brewer, Fearey, Gale, Lambke, Martz, Knight. (Pisciotta absent)

- k) ZON2002-51 – southwest corner of 13th Street North and 135th Street West. (District V)

ORDINANCE NO. 45-525

Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210. ZON2002-51

- l) ZON2002-00060 – south of 14th Street North, east of Terrace Drive. (District I)

ORDINANCE NO. 45-526

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. (Pisciotta absent) Yeas: Brewer, Fearey, Gale, Lambke, Martz, Knight. (Pisciotta absent) ZON2002-60

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m) ZON2002-00058 – south Side of Harry, approximately 200 feet east of Smithmoor Street. (District II)

ORDINANCE NO. 45-527

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. (Pisciotte absent) Yeas: Brewer, Fearey, Gale, Lambke, Martz, Knight. (Pisciotte absent) ZON2002-58

n) Ambulance.

ORDINANCE NO. 45-528

An Ordinance creating Section 3.80.147 of the Code of the City of Wichita, Kansas, pertaining to extending, for a time certain, various regulatory exemptions relating to ambulance service within the city of Wichita, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. (Pisciotte absent) Yeas: Brewer, Fearey, Gale, Lambke, Martz, Knight. (Pisciotte absent)

BUDGET

APPROPRIATING 2003 BUDGET; RATIFYING PAYMENT OF CLAIMS AGAINST 2002 BUDGET.

Agenda Report No. 02-2176

Each year the City Council must appropriate and approve the spending of the next year's budget according to the approved budget and also authorize, approve and ratify the payments which have occurred against the current year budget.

Appropriated amounts for each fund have been established in the budget for the fiscal year 2003 for the payment of all claims and charges against each fund. Payments of all claims and charges against each fund shall be made by a combination of checks and warrants, drawn by the Director of Finance and counter-signed by the City Manager and Treasurer as provided by law. The payment of all claims and charges against respective accounts and funds provided in the budget for the year 2002 are also required to be authorized, ratified and approved.

There are no financial Considerations.

Motion -- carried

Knight moved that the Ordinance be placed on first reading. Motion carried 6 to 0. (Pisciotte absent)

ORDINANCE

An Ordinance appropriating the amounts set up in each fund in the budget; providing for the payment of all claims and charges against the accounts provided for therein; and approving and ratifying the payment of all claims against the accounts, introduced and under the rules laid over.

ADULT ESTABLISH. **ADULT BUSINESS ESTABLISHMENTS.**

The City of Wichita regulates adult entertainment establishments for the protection of the health of the public from communicable diseases, including sexually transmitted diseases; from victimization at the hands of criminals; from deteriorating community esthetics and property values; and at the same time ensuring free expression of speech protected by the First Amendment. In order to accomplish that goal, the City's regulatory framework must be flexible to adapt to changes in court interpretation of the constitutional principles involved.

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The licensure and regulation of adult business establishments can impact expressive speech and expressive conduct that is protected by legal principles developed from the First Amendment. This is a complicated area of the law, in which even the U.S. Supreme Court is unlikely to issue clear-cut opinions. The 10th Circuit Court of Appeals has recently decided a case that made clear an issue that had not yet been decided for Kansas – how to handle the appeal of a license denial and still protect the rights of expression of the applicant. After study of the decision in that case, the law department suggests the adjustments to the current license application process.

There are no financial Considerations, as this action is not expected to alter the number of license applicants.

The Department of Law has proposed the requested changes in the City Code, and drafted the ordinance amendments.

Motion -- carried

Knight moved that the Ordinance be placed on first reading. Motion carried 6 to 0. (Pisciotta absent)

ORDINANCE

An Ordinance amending Sections 3.05.70 and 3.05.100 of the Code of the City of Wichita, Kansas, pertaining to regulation of Adult Business Establishments and repealing the originals of said Sections, introduced and under the rules laid over.

SEWAGE SYSTEM

PRIVATE ON-LINE SEWAGE SYSTEM CODE.

Agenda Report No. 02-2178

The Environmental Health Department issues permits for, and approves construction of, private residential on-site wastewater or alternative sewer systems within the City. Such systems are utilized in newly annexed areas where public sewer has not yet been extended, or in areas where provision of public sewer is not practical.

The proposed ordinance establishes permit fees that will offset the cost of issuing permits and inspecting new or modified systems. Additional minor changes in the ordinance reflect the Environmental Health's status as a City department, as opposed to the previous City/County agency, and replace outdated language referring to the systems in question.

Environmental Health staff estimate that the proposed fees will provide approximately \$ 10,000 in increased revenue for 2003. This projected revenue was incorporated into the 2003 City budget, which received Council approval in August of 2002.

Motion -- carried

Knight moved that the Ordinance be placed on first reading. Motion carried 6 to 0. (Pisciotta absent)

ORDINANCE

An Ordinance amending Section 16.12.10, 16.12.20, 16.12.30, 16.12.40, 16.12.50, 16.12.60, 16.12.70, 16.12.90, and 16.12.100, and creating Section 12.16.45 of the Code of the City of Wichita, Kansas, pertaining to on-site waste water and alternative sewer systems and repealing the originals of said Sections, introduced and under the rules laid over.

PLANNING AGENDA

Dale Miller

Acting Director of Planning stated that the Planning Agenda could be considered as consensus, except Items unless the Council desired to withhold other Items.

Motion -- carried

Knight moved that the Planning Agenda be approved as consensus Items. Motion carried 6 to 0. (Pisciotta absent)

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SUB2001-49

SUB2001-49 – PLAT OF SPOTSWOOD ADDITION – NORTH SIDE OF MACARTHUR ROAD, WEST OF GREENWICH ROAD. (District V)

Agenda Report No. 02-2179

Staff Recommendation: Approve the plat.
MAPC Recommendation: Approve the plat. (9-0)

This plat is zoned SF-20, Single-Family Residential and is located in the County within three miles of Wichita's City limits. The site has been approved by the former County Health Department for the use of on-site sanitary sewer and water facilities.

Petitions, all 100%, have been submitted for future City water and sanitary sewer improvements. Certificate of Petitions has also been submitted.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Certificate of Petitions will be recorded with the Register of Deeds.

Motion --
-- carried

Knight moved that the documents and Plat be approved; the necessary signatures be authorized; and the Resolutions be adopted. Motion carried 6 to 0. (Pisciotte absent)

RESOLUTION NO. 02-580

Resolution of findings of advisability and resolution authorizing construction of Water Distribution System Number 448-89634 (north of MacArthur, west of Greenwich), in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Pisciotte absent)
Yeas: Brewer, Fearey, Gale, Lambke, Martz, Knight. (Pisciotte absent)

RESOLUTION NO. 02-581

Resolution of findings of advisability and resolution authorizing construction of Lateral 323, Four Mile Creek Sewer (north of MacArthur, west of Greenwich), 468-83360, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Pisciotte absent)
Yeas: Brewer, Fearey, Gale, Lambke, Martz, Knight. (Pisciotte absent)

SUB2002-55

SUB2002-55 – PLAT OF SOUTHERN RIDGE ADDITION – SOUTH SIDE OF PAWNEE, WEST SIDE OF MAIZE ROAD. (District V)

Agenda Report No. 02-2180

Staff Recommendation: Approve the plat.
MAPC Recommendation: Approve the plat. (13-0)

This unplatted site is located in the County adjoining Wichita's city limits and has recently been annexed into the City. The final plat is a portion of the overall preliminary plat.

Petitions, all 100%, have been submitted for sewer, drainage, water and paving improvements. A Certificate of Petitions has been submitted. To provide for off-street parking for lots adjacent to narrow streets, a Restrictive Covenant was submitted requiring that four (4) off-street spaces be provided for each such lot. Also, a Restrictive Covenant has submitted to assure that the private streets will be constructed to a public street standard; and a Restrictive Covenant was submitted to provide for the

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ownership and maintenance of the reserves. A bond has been provided to guarantee construction of the private street.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Restrictive Covenants and Certificate of Petitions will be recorded with the Register of Deeds.

Motion --
-- carried

Knight moved that the documents and Plat be approved; the necessary signatures be authorized; and the Resolutions be adopted. Motion carried 6 to 0. (Pisciotte absent)

RESOLUTION NO. 02-582

Resolution of findings of advisability and resolution authorizing improving of Lateral 32 Cowskin Interceptor Sewer, (south of Pawnee, west of Maize) 468-83548, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Pisciotte absent) Yeas: Brewer, Fearey, Gale, Lambke, Martz, Knight. (Pisciotte absent)

RESOLUTION NO. 02-583

Resolution of findings of advisability and resolution authorizing construction of Storm Water Drain No. 195 (south of Pawnee, west of Maize) 468-83550, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Pisciotte absent) Yeas: Brewer, Fearey, Gale, Lambke, Martz, Knight. (Pisciotte absent)

RESOLUTION NO. 02-584

Resolution of findings of advisability and resolution authorizing improving of Storm Water Sewer No. 580 (south of Pawnee, west of Maize) 468-83551, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Pisciotte absent) Yeas: Brewer, Fearey, Gale, Lambke, Martz, Knight. (Pisciotte absent)

SUB2002-85

SUB2002-85 – PLAT OF OLD TOWN SQUARE ADDITION – WEST SIDE OF ROCK ISLAND, BETWEEN SECOND AND THIRD STREETS. (District VI)

Agenda Report No. 02-2181

Staff Recommendation: Approve the plat.
MAPC Recommendation: Approve the plat. (11-0)

This is a replat of a plat previously approved and is located within the City of Wichita's city limits. The plat is zoned "LI" - Limited Industrial District. Sanitary sewer, water and paving improvements have already been completed for the site.

The City of Wichita is indicated as holding an interest in this property's ownership and is shown as one of the site's plattors.

Motion --
-- carried

Knight moved that the Plat be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Pisciotte absent)

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SUB2002-87

SUB2002-87 – PLAT OF POWER CDC SECOND ADDITION – NORTH SIDE OF 25TH STREET NORTH, WEST OF GROVE. (District I)

Agenda Report No. 02-2182

Staff Recommendation: Approve the plat.
MAPC Recommendation: Approve the plat. (12-0)

This is an unplatted site located within the City. The City of Wichita is indicated as holding an interest in this property's ownership and is shown as one of the site's plattors.

This is a portion of the preliminary plat and represents the first phase of the development. This site is zoned "SF-5" Single-Family Residential District.

Petitions, all 100%, have been submitted for paving, drainage, water and sewer improvements. A Certificate of Petitions has been submitted. Also, a Restrictive Covenant has been submitted to provide for off-street parking for lots adjacent to narrow streets requiring that four (4) off-street spaces be provided for each such lot. The plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Certificate of Petitions and Restrictive Covenants will be recorded with the Register of Deeds.

Motion --
-- carried

Knight moved that the documents and Plat be approved; the necessary signatures be authorized; and the Resolutions be adopted. Motion carried 6 to 0. (Pisciotte absent)

RESOLUTION NO. 02-585

Resolution of findings of advisability and resolution authorizing construction of Water Distribution System Number 448-89762, (north of 25th Street North, west of Grove), in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Pisciotte absent)
Yeas: Brewer, Fearey, Gale, Lambke, Martz, Knight. (Pisciotte absent)

RESOLUTION NO. 02-586

Resolution of findings of advisability and resolution authorizing improving of Lateral 40, District T, Sanitary Sewer #12, (north of 25th Street North, west of Grove) 468-83572, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Pisciotte absent)
Yeas: Brewer, Fearey, Gale, Lambke, Martz, Knight. (Pisciotte absent)

RESOLUTION NO. 02-587

Resolution of findings of advisability and resolution authorizing improving of Storm Water Sewer No. 586 (north of 25th Street North, west of Grove) 468-83573, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Pisciotte absent) Yeas: Brewer, Fearey, Gale, Lambke, Martz, Knight. (Pisciotte absent)

RESOLUTION NO. 02-588

Resolution of findings of advisability and resolution authorizing improving Minnesota Court, from the west line of Minnesota Circle, from the north line of 26th Street North to and including the cul-de-sac; 26th Street North from the east line of Minnesota Avenue to the east line of Lot 23, Block 1, Power CDC Second addition; sidewalk on one side of 26th from Minnesota Circle to the east line of Lot 23, Block 1, CDC Second addition, (north of 25th Street North, west of Grove) 472-83675, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas,

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presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Pisciote absent)
Yeas: Brewer, Fearey, Gale, Lambke, Martz, Knight. (Pisciote absent)

SUB2002-99

**SUB2002-99 – PLAT OF WILSON ESTATES MEDICAL PARK ADDITION – SOUTH OF
21ST STREET NORTH, WEST SIDE OF WEBB ROAD.** (District II)

Agenda Report No. 02-2183

Staff Recommendation: Approve the plat.
MAPC Recommendation: Approve the plat. (12-0)

This is a replat of Lot 1, Block 2, and Reserve B, of the Legacy Park Wilson Estates Addition. The site has been approved for a zone change (ZON 2002-18) from “SF-5” - Single-Family Residential District to “GO” - General Office District, subject to replatting. The Wilson Estates Medical Park Community Unit Plan (CUP2002-10, DP-260) was also approved for this site. This plat is located within the City of Wichita’s city limits.

Petitions, all 100%, have been submitted for water, sewer, paving, drainage and traffic improvements. A Certificate of Petitions was provided. A Restrictive Covenant was submitted providing for the ownership and maintenance of the reserves. Since this site is within the noise impact area of Jabara Airport, an Avigational Easement and Noise Covenant was required. A CUP Certificate was provided identifying the approved CUP and its special conditions for development.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days. Publication of the Ordinance should be withheld until such time the Plat is recorded with the Register of Deeds.

The Certificate of Petitions,

Restrictive Covenants, Avigational Easement and Notice of Community Unit Plan will be recorded with the Register of Deeds.

Motion --

-- carried

Knight moved that the documents and Plat be approved; the necessary signatures be authorized; the Resolutions be adopted; and the ZON2002-18 Ordinance be placed on first reading with publication being withheld until such time the Plat is recorded with the Register of Deeds. Motion carried 6 to 0. (Pisciote absent)

RESOLUTION NO. 02-589

Resolution of findings of advisability and resolution authorizing construction of Water Distribution System Number 448-89761, (south of 21st Street, west of Webb), in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Pisciote absent)
Yeas: Brewer, Fearey, Gale, Lambke, Martz, Knight. (Pisciote absent)

RESOLUTION NO. 02-590

Resolution of findings of advisability and resolution authorizing improving of Lateral 42, Main 24, War Industries Sewer, (south of 21st Street, west of Webb) 468-83563, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Pisciote absent)
Yeas: Brewer, Fearey, Gale, Lambke, Martz, Knight. (Pisciote absent)

RESOLUTION NO. 02-591

Resolution of findings of advisability and resolution authorizing construction of Storm Water Drain No. 197 (south of 21st Street, west of Webb) 468-83564, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved

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that the Resolution be adopted. Motion carried 6 to 0. (Pisciotta absent) Yeas: Brewer, Fearey, Gale, Lambke, Martz, Knight. (Pisciotta absent)

RESOLUTION NO. 02-592

Resolution of findings of advisability and resolution authorizing an extension of a left-turn lane to serve the northbound left-turn movements at Webb Road and Wilson Estates, Parkway and a contingent northbound let-turn lane on Webb Road to serve the proposed southern driveway, provide a third lane on Wilson Estates Parkway between the first entrance and Webb Road, said lane being designed for dual eastbound lanes onto Webb at the intersection and transitioning to dual westbound lanes (one left-turn only, on through) at the first entrance to the Medical Park. Prohibit left-turns onto Wilson Estates Parkway from the eastern entrance by use of a directional raised medial in the private drive entrance crosswalks across Wilson estates Parkway at the first two entrances west of Webb Road on the north side (south of 21st Street, west of Webb) 472-83676, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Pisciotta absent) Yeas: Brewer, Fearey, Gale, Lambke, Martz, Knight. (Pisciotta absent)

RESOLUTION NO. 02-593

Resolution of findings of advisability and resolution authorizing a traffic signal at the intersection of Webb Road and Wilson Estates Parkway/19th Street (south of 21st Street, west of Webb) 472-83677, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Pisciotta absent) Yeas: Brewer, Fearey, Gale, Lambke, Martz, Knight. (Pisciotta absent)

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.21, introduced and under the rules laid over. ZON2002-18.

VAC2001-03

VAC2001-03 – VACATE PORTION OF A PLATTED UTILITY EASEMENT – SOUTH OF 13TH STREET NORTH, EAST OF HILLSIDE. (District I)

Agenda Report No. 02-2184

Staff Recommendation: Approve

MAPC Recommendation: Approve (unanimous)

The applicant has built a building that encroaches on a portion of a platted 10-foot utility easement. The encroachment is on the south 1-foot and west 5-foot of the platted 10-foot utility easement. City Engineering and private utilities indicated that this portion of the platted easement was not used and not needed for future services.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order. No written protests have been filed.

A certified copy of the Vacation Order will be recorded with the Register of Deeds.

Motion --
-- carried

Knight moved that the Vacation Order be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Pisciotta absent)

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VAC2002-20

VAC2002-20 – VACATE PORTION OF A PLATTED 20-FOOT UTILITY EASEMENT – NORTH OF 31ST STREET NORTH, WEST OF WEBB ROAD. (District II)

Agenda Report No. 02-2185

Staff Recommendation: Approve
MAPC Recommendation: Approve (unanimous)

The applicant proposes future development of Lots 4, 5, & 6, Block 4, Mediterranean Plaza Addition, under one ownership and proposes a vacation of the 20-foot (x) 20-foot easement as described in the legal description. City Engineering and private utilities indicated that this portion of the easement was not used and not needed for future services.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order. No written protests have been filed.

A certified copy of the Vacation Order will be recorded with the Register of Deeds, and the condition that a certified copy of a covenant tying Lots 4, 5 & 6, Block 4, Mediterranean Plaza Addition under one ownership be recorded with the Register of Deeds. The covenant shall become void when each lot has access to sewer.

Motion --
-- carried

Knight moved that the Vacation Order be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Pisciotta absent)

VAC2002-25

VAC2002-25 – VACATE PORTION OF A PLATTED ALLEY – NORTHWEST OF THE ZOO BOULEVARD/CENTRAL AVENUE INTERSECTION. (District IV)

Agenda Report No. 02-2186

Staff Recommendation: Approve
MAPC Recommendation: Approve (unanimous)

The applicant is requesting the west 259.50-feet of the platted 20-ft alley be vacated. The applicant proposes to pave both the alley and his properties abutting it on the north and south sides. There are utilities in the alley. Reversion of the alley to private property will be to the property north and south of the alley, both which are owned by the applicant.

Both the Fire Department and the Traffic Engineer did have conditions that the applicant had to meet for the alley to be vacated. The Fire Department required that the alley have either siren operated gates or Knox Box gates installed at both ends. Gates must have a reflective material, to be visible at night, placed the width of them. Signage to be approved by the Fire Department. The applicant must post a sign at the east-Zoo Boulevard-N Sheridan Ave intersection advising that this is not a through alley. Sign must be made of reflective material, to be visible at night, and the Traffic Engineer must approve the size, type and placement. The applicant has obtained pre-installation approval of these conditions, by purchasing the needed Knox Box lockage, per Fire, and submitted proposed/approved signage to Traffic.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order. No written protests have been filed.

A certified copy of the Vacation Order will be recorded with the Register of Deeds, and the condition that a certified copy of a covenant tying Lot 1, Block A, John Weitzel Addition (south lot) to Lot 1, John Weitzel 2nd Addition (north property) under one ownership to be recorded with the Register of Deeds, the vacated alley be retained as a 20-foot utility easement.

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Motion --
-- carried

Knight moved that the Vacation Order be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Pisciotta absent)

ZON2002-62

ZON2002-62 – ZONE CHANGE FROM GENERAL OFFICE TO LIMITED COMMERCIAL AND NEIGHBORHOOD RETAIL, AND AMENDMENT TO PROTECTIVE OVERLAY NO. 99 – SOUTHWEST CORNER OF MAPLE AND 119TH STREET WEST. (District V)

Agenda Report No. 02-2187

MAPC Recommendation: Approve, subject staff recommendation. (12-0)
Staff Recommendation: Approve, subject to amended Protective Overlay #99 conditions.
D.A.B. V Recommendation: Approval (7-0) subject to staff recommendation

The applicant requests a zone change from “GO” to “LC” and “NR” on a 3.2 acre platted site located at the southwest corner of Maple and 119th Street West. The applicant proposes to develop the subject property with Neighborhood Retail and Limited Commercial uses. The applicant proposes amending the existing Protective Overlay on the property to exclude certain “LC” uses, such as convenience stores, car washes, self-storage warehouses, and many others. The applicant requests “LC” zoning at the intersection on this site to retain the flexibility of drive-through restaurants, and restaurants larger than 2,000 square-feet, both of which are prohibited in “NR” zoning. The existing Protective Overlay (P-O) limits uses in the “GO” district; it limits multi-family density; it controls signage, lighting, and landscaping; and it controls architecture on the site.

The surrounding area is characterized by residential uses on the developing fringe of Wichita with significant amounts of parkland in the area. The properties north of the site across Maple are zoned “SF-5” Single Family Residential and are developed with single-family residences. The properties east of the site across 119th Street West are zoned “SF-5” Single-Family Residential and are developed with single-family residences and West Millbrook Park. The property immediately south of the application area is zoned “GO” and undeveloped, further south is property zoned “SF-5” Single-Family Residential and developed with The Meadows Park. The property west of the site is zoned “B” Multi-Family Residential and is developed with an assisted living facility.

MAPC heard this request at their regularly scheduled meeting on November 21, 2002. No members of the public chose to speak on the zone change request; the applicant and his agent agreed with the Planning Staff recommendation. MAPC approved the request by a vote of 12-0, subject to an amended Protective Overlay (P-O #99) on the application area. The amended protective overlay further limits “LC” uses on the property, prohibiting convenience stores and other uses. The amendment to P-O #99 also requires a predominantly brick exterior on building facades facing streets at this location.

DAB V heard this request at their regularly scheduled meeting on December 4, 2002. Agents for the applicant presented a design concept for the subject property to be known as WestLake. They noted the required detention area shown as a water feature. The plan for mixed development includes retail along Maple Street, offices along the water feature, and a walking path between the water and the office areas. Site access will be approved during the platting process. Citizens commented about flooding concerns from the past and whether the plan fully considered flood prevention in the area. One representative of a nearby homeowner association supported the plan for development. DAB V recommended approval by a vote of 7-0.

Motion --
-- carried

Knight moved that the Council concur with the findings of the MAPC and approve the zone change, subject to additional provisions of P-O #99 amendment; and that the Ordinance be placed on first reading. Motion carried 6 to 0. (Pisciotta absent)

ORDINANCE

Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210. ZON2002-62

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A02-22

A02-22 – ANNEX LAND LOCATED EAST OF TYLER ROAD AND SOUTH OF 37TH STREET NORTH. (District V)

Agenda Report No. 02-2188

The City has received a request to annex approximately 60 acres of land situated east of N. Tyler Road and south of 37th Street North. The site abuts the City of Wichita to the west and south. The annexation request area is bounded on the east by an active Union Pacific railway right-of-way. The applicant plans to ultimately develop the site with 152 single-family homes. It is anticipated that the annexation area will be fully developed within five (5) years. The westerly 38.7 acres of the annexation area recently received final plat approval for a 103 lot residential subdivision known as Tyler's Landing Addition. The entirety of Tyler Road from 29th Street North to 37th Street North is in the process of being annexed into the City as part of annexation case A02-20.

Land Use and Zoning: The annexation request area is presently in agricultural use and zoned "SF-20" Single Family Residential. Land directly north and east of the site is also zoned "SF-20" Single Family Residential, and in agricultural use. Land south of the site is zoned "SF-5" Single Family Residential and has been platted and developed for residential use. Land west of the site is also zoned "SF-5" Single Family, and is currently being developed as a school complex for USD 266.

Public Services: As part of the platting requirements for Tyler's Landing Addition, the property owner shall guarantee the extension of City sanitary sewer and water to serve the lots being platted. Water and sewer main service extensions to the annexation area will come from the Forest Lakes West Addition located immediately to the south.

Street System: The property proposed for annexation has access to Tyler Road (two-lane asphalt surfaced arterial) that serves the area as the nearest north-south road, and 37th Street North (two-lane unpaved arterial) that serves the area as the nearest east-west road. The 2002-2011 City of Wichita Capital Improvement Program has not identified any future improvements to Tyler Road. However, the City has made a commitment to USD 266 to constructing turning lanes from Tyler Road into the school site. As a condition of platting approval, the applicant will be required to install left turn lanes on Tyler Road at the planned ingress/egress points to the development.

Public Safety: Fire services to this site can be provided by the City of Wichita within a seven (7) to nine (9) minute approximate response time from City Station No. 16 located at 1632 North Tyler Road. Upon annexation, police protection will be provided to the area by the Patrol West Bureau of the Wichita Police Department, headquartered at 661 North Elder.

Parks: Barrington Park is located approximately two miles southeast of the property and Sedgwick County Park is situated three miles southeast of the property.

School District: The property is located in Unified School District 266 (Maize School District). Annexation will not change the school district.

Comprehensive Plan: The proposed annexation is located within the Wichita 2010 urban service area, as depicted in the most recent update to the Wichita Land Use Guide, and the proposed development is consistent with current amendments to the Wichita-Sedgwick County Comprehensive Plan.

The current approximate appraised value of the proposed annexation area is \$22,340, with a total assessed value of \$6,702. Using the current City levy (\$31.406/\$1000 x assessed valuation), this roughly yields \$210 in City annual tax revenues for the property. The future assessed value of this property will depend on the type and timing of development and the current mill levy. However, the property owner projects an overall appraised value of \$13,376,000 for residential when development is completed, resulting in a combined assessed value of \$1,538,240. Assuming the current City levy remains about the same, this would roughly yield \$48,310 in City annual tax revenues.

The properties are eligible for annexation under K.S.A. 12-519, et seq.

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Motion --
-- carried

Knight moved that the annexation be approved and the Ordinance be placed on first reading. Motion carried 6 to 0. (Pisciotta absent)

ORDINANCE

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto. A02-22

CORP. BOUNDARIES 2002 CITY OF WICHITA BOUNDARY RESOLUTION.

Agenda Report No. 02-2189

The City of Wichita is required by Kansas State law to annually prepare a description of the corporate boundaries. The law requires that the description shall define the boundaries after incorporating all changes made through annexation or exclusions of territory since December 18, 2001.

During calendar year 2002, the City of Wichita approved a total of twenty (20) annexations, with two (2) of these being unilateral. No areas were de-annexed from the City. This added a total of 1,470.13 acres (2.297 sq. mi.) to the City, resulting in a Wichita corporate area of 154.383 sq. mi., as of December 31, 2002.

City Engineering staff has prepared a legal description of all territory annexed into the City of Wichita during 2002.

K.S.A. 12-517 requires that for any year in which any territory has been added or excluded from any city, the governing body of such city shall declare, by resolution, the entire boundary of the city. The Law Department has reviewed and approved the Resolution as to form.

Motion -- carried

Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Pisciotta absent)

RESOLUTION NO. 02-594

A Resolution declaring, establishing and defining the City Limits and Boundaries of the City of Wichita, Kansas, after all annexations of territory and exclusions of territory since December 18, 2001, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Pisciotta absent)
Yeas: Brewer, Fearey, Gale, Lambke, Martz, Knight. (Pisciotta absent)

AIRPORT AGENDA

AIRPORT

LEASE AMENDMENT – MIDWEST CAR CORPORATION.

Agenda Report No. 02-2190

The Wichita Airport Authority has an on-airport rental car concession agreement with Midwest Car Corporation, a National franchisee. ANC Rental Corporation is the sole owner of National Rental Car and Alamo Rental Car. ANC, National, and Alamo are in Chapter 11 bankruptcy. In order to reorganize the companies, the approach of "dual branding" has been adopted. The operations, fleets, etc. are being melded, but marketed under both National and Alamo. Midwest Car Corporation has requested that the Alamo brand be introduced at Wichita Mid-Continent Airport. Close to 100 airports in the U.S. have yielded to this approach. However, several have sought judicial relief without success.

Both airport staff and the Wichita Airport Advisory Board have reviewed this request. It is recommended that the "dual branding" be allowed to occur under the following conditions: (1) That all "Alamo" operations take place within the current leasehold of Midwest Car Corporation; (2) That all expenses of signage, etc. will be borne by Midwest Car Corporation; and (3) That Alamo not be specifically recognized when parking stalls are distributed annually.

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Additional revenue may accrue to the WAA if melding of the two companies results in increased rentals

Motion --
-- carried

Knight moved that the Agreement be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Pisciotta absent)

AIRPORT

SUPPLEMENTAL – AIRPARTS COMPANY, INC.

Agenda Report No. 02-2191

This agreement expires December 31, 2002. The space has been leased by Airparts since January 1, 1996, and the tenant has expressed an interest in extending the agreement for one additional year through December 31, 2003. The leased area includes 2,504 sq.ft. of exclusive-use space and 168 sq.ft. of joint-use space. The remainder of the facility, which includes 455 sq.ft. of office space and 9,006 sq.ft. of warehouse space, is leased by Rockwell Collins.

The tenant occupies 2,672 square feet of the subject building, which has a total area of approximately 12,135 square feet. The Martens Companies appraised both the office and warehouse spaces this past year. The recommended rate for office space is \$3.02/sq.ft., plus land rent. The land rental rate for the facility will be according to WAA policy, and will escalate 5% from the previous year.

Total annual rent will be \$10,665.99.

Motion --
-- carried

Knight moved that the Agreement be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Pisciotta absent)

HOUSING AGENDA

NOTICE: The City Council is meeting as the governing body of the Housing Authority for consideration and action on items on this Agenda, pursuant to State law, HUD, and City ordinance. The meeting of the Authority is deemed called to order at the start of this Agenda and adjourned at the conclusion.

Inafay Grays-McClellan, Housing Member is also seated with the City Council.

SECTION 8

SECTION 8 INSPECTION SOFTWARE/HARDWARE PURCHASE.

Agenda Report No. 02-2192

The City of Wichita Housing Authority Board approved budget transfers of \$38,000 within the Section 8 Program to allow for the purchase of Housing Inspection software/hardware, training expenses, and other product related expenses. The Housing Authority software for monitoring and reporting to HUD is provided by Emphasis Computer Solutions as a vendor. The inspection software is a module of within the entire Emphasis Computer Solutions Housing Authority software. The module must be purchased separately and training provided by Emphasis Computer Solutions. The approval to proceed with the purchase was in response to the Housing Authority need to provide more complete and automated information to HUD. The purchase will be paid with budgeted Housing Authority HUD funding. No other software/hardware is compatible with the current system; therefore sole source designation is required

The Housing Authority Board approved the budget revisions at the September 10, 2002 and October 1, 2002 meetings. Utilization of inspection module requires purchase from the current vendor. Access to this module provides for more complete and timely reporting for Section 8 private landlord residential inspections. System also includes automated letter generation. Purchase of the software/hardware from alternate vendor would require replacement of entire Housing Authority software system.

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The approved changes to the budget will only impact WHA federally funded budgets. Budget for acquisition has been previously established.

Motion --

Knight moved that the sole source procurement of Section 8 Inspection software/hardware/training from Emphasis Computer Solutions be approved; and the necessary signatures be authorized. Motion carried 7 to 0. (Pisciotta absent)

-- carried

SECTION 8

SECTION 8 REVISIONS TO ADMINISTRATIVE PLAN.

Agenda Report No. 02-2193

On October 17, 2000 the City Council approved the Section 8 Homeownership program, which allows Section 8 program participants to purchase a home and use their rental assistance voucher to help pay the mortgage payments. To date, ten families have taken advantage of this opportunity.

Streamlining Amendments; Final Rule were published in the Federal Register on October 18, 2002. Section 24.5 Homeownership Program of the Administrative Plan for the City of Wichita Housing Authority requires amendment in order to comply with the Final Rules. A primary mandatory change includes removal of recapture provisions in the event that the family sells the home within the first 10 years of ownership. This change is retroactive to program inception. A second primary change that is optional is to allow homebuyers the choice of receiving assistance in the form of a Single Down Payment Assistance Grant. Currently, the only form of assistance available is to receive monthly housing assistance payments. Although the down payment grant can now be adopted within the Administrative Plan, implementation cannot occur until HUD publishes a notice in the Federal Register

The goal of the Homeownership Program is to increase self-sufficiency and to increase homeownership within the City of Wichita. The current plan requires recapture of proceeds upon sale of a home purchased within the Section 8 Homeownership Program to repay a portion of the Housing Assistance Payments that were provided during occupancy; this provision has been removed by the October 18, 2002 Final Rule and is made retroactive. The current plan allows Section 8 homebuyers to receive Housing Assistance Payments up to 15 years if they are non-elderly, or non-disabled head of household. Assistance is longer for elderly and/or disabled. Homebuyers must retain eligibility to receive the assistance. A second optional form of assistance that is now allowable is Single Down Payment Assistance Grants that can be used for down payment and closing costs. No further Section 8 assistance is provided following the dispersal of the down payment assistance grant. The maximum allowable grant is based on an annual calculation of the Housing Assistance Payment that the family would receive if they did not utilize the Down Payment Assistance Grant. The primary benefit to the Housing Authority for allowing the utilization of the Grant is that the voucher formally used by the homebuyer can be re-issued to another household; thereby assisting additional households. Although the Down Payment Assistance Grant can now be included in the City of Wichita Housing Authority Plan, implementation cannot occur until HUD publishes a notice in the Federal Register. Implementation will not require further Administrative Plan changes if adopted at the present time.

There are no financial Considerations.

The Governing Board of the Housing Authority must approve revisions to the Section 8 Administrative Plan before they can be implemented.

Motion -- carried

Knight moved that the Administrative Plan be adopted. Motion carried 7 to 0. (Pisciotta absent)

HOUSING OCC.

PUBLIC HOUSING OCCUPANCY.

Agenda Report No 02-2194

This update provides the current status of all Public Housing Units under make ready status, Capital Fund Program and vacant units ready to be leased.

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As of December 9, 2002, 24 units are in make ready status, 2 units are in the Capital Fund Program and 7 units are waiting to be leased. The total of 33 vacancies represents an occupancy rate of 94.3%. Property Managers leased 9 units during the month of November. The Greenway Manor apartment, which sustained damage in a fire, has been rehabilitated and is scheduled for occupancy.

There are no financial Considerations.

Motion -- carried

Knight moved that the report be received and filed. Motion carried 7 to 0. (Pisciotta absent)

HOUSING CIP

REPORT OF PUBLIC HOUSING CAPITAL IMPROVEMENTS.

Agenda Report No. 02-2195

The City of Wichita Housing Authority (WHA) Capital Fund Program will make all necessary capital improvements and corrections of deficiencies in the WHA rental inventory to ensure the long term physical and social viability of WHA developments. The Program is also used to upgrade the management operations of the WHA to assure the ability of staff to serve the housing needs of low to moderate income families. This report covers the current status of all Capital Fund improvement projects.

The 2001 and 2002 Capital Fund grants are in the amounts of \$1,216,704 and \$1,159,577 respectively. The 2001 Capital Fund Grant is now obligated. The 2003 through 2005 budgeted amounts are estimated on the basis of the 2002 grant amount.

There are no financial Considerations.

Motion -- carried

Knight moved that the report be received and filed. Motion carried 7 to 0. (Pisciotta absent)

SECTION 8

SECTION 8 STATISTICAL MONTHLY REPORT.

Agenda Report No. 02-2196

The Section 8 Housing Assistance program allows Housing Authorities to assist as many families as can be assisted with the funds allocated. The Wichita Housing Authority has been approved to administer 2502 allocations.

November 2002	Cumulative Voucher lease-up 95.4%		
Program	Number Allocated	Number Committed	Over (Under)Committed
Voucher	2211	2072	(139)
Mainstream (2002)	75	93	18
SPC	102	75	32
Mod Rehab	58	26	(32)
Certificate	35	38	2
Portable	21	21	
TOTAL	2502	2382	(*119)

*Number of vouchers available for the Housing Choice Voucher Program due to positive and negative termination of clients. All vouchers issued for Fair Share and Mainstream are committed.

Due to many variables such as voucher and certificate holders finding and leasing a property that does not require the maximum subsidy, we are able to assist additional units and remain within budget.

Motion -- carried

Knight moved that the report be received and filed. Motion carried 7 to 0. (Pisciotta absent)

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EXECUTIVE SESSION

Motion -- Knight moved that the City Council recess to executive session to consider consultation with legal counsel on matters privileged in the attorney-client relationship relating to pending litigation, and legal advice; and contract negotiations; and that the City Council return no earlier than 12:20 p.m. Motion carried 6 to 0. (Pisciotte absent)

RECESS The City Council recessed at 11:48 a.m. and returned to regular session at 12:30 p.m.

Mayor Knight Mayor Knight announced that no action was necessary as a result of the executive session.

ADJOURNMENT The City Council meeting adjourned at 12:30 p.m.

Pat Graves CMC
City Clerk